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SLAVERY IN SCITUATE, MASSACHUSETTS 1673-1790:

A BENIGN SERVITUDE?

A Thesis Presented

by

Lynne Geever Moretti

Submitted to the Office of Graduate Studies and Research,  
University of Massachusetts Boston, in partial fulfillment of the requirements  
For the degree of

MASTER OF ARTS

December 2002

History Program







SLAVERY OF SLAVES IN THE AMERICAN SOUTH

A DOCUMENTARY

A TALE OF TWO CITIES

By

Lynne Geever Moretti

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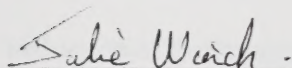
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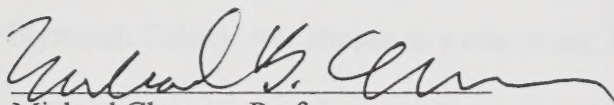
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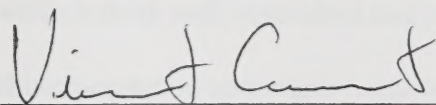
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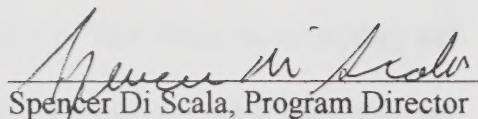
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## ABSTRACT

SLAVERY IN SCITUATE, MASSACHUSETTS 1673-1790:

A BENIGN SERVITUDE?

December 2002

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Historian Lorenzo J. Greene argues in *The Negro in Colonial New England* that slavery in New England was less harsh than anywhere else in colonial America. Greene's thesis is based on three main factors: the small size of the Negro population, the wide distribution of Negro slaves throughout the towns, and most importantly, the mitigating influence of Puritanism on the masters' treatment of their slaves. Because little work has been done on specific New England towns, Scituate, the largest slave-owning town in Plymouth Colony, was chosen as a case study; it corroborates Greene's general findings. Scituate slaves lived with, ate with and worked with the slave-owner's family. They were well-clothed, well-nourished and did not work on the Sabbath. Most importantly, the church-centered community exerted a strong influence on the treatment of its slaves. Puritanism, with its emphasis on a benign patriarchal society, fostered a flexible servitude in the seventeenth century. Many masters treated their black slaves as they did their white indentured servants, often shortening their servitude or freeing them outright. As the ethos of Puritanism waned in the eighteenth century, Negro servitude became more entrenched. However, the sentiments of a pre-revolutionary populace eventually led to slavery's disintegration. By 1790, the slaves in Massachusetts had all been freed.





## ACKNOWLEDGMENTS

I have never met a librarian during the course of my research who was not helpful to me; but several of these women were so enthusiastic about my work that they merit special mention. From the beginning of my undergraduate career, throughout the writing of my thesis, Jeanne Ryer, reference librarian at the Norwell Public Library, has been of invaluable help to me. Scituate Archivists Mary Dean, Betty Foster, and Pat Jones let me sift through the dusty documents in the basement of the Scituate Town Hall and helped me find a treasure trove of primary source materials dating back to the 1600s. The staff of the Scituate Public Library, especially Susan Pope; the staff of the Scituate Historical Society, particularly the curator, Carol Miles; Vivien Perry and Ruth Bailey of the James Library in Norwell, and Gertrude Daneau of the Norwell Historical Society have all encouraged and facilitated my research. Carrie Foley, Assistant Reference Librarian at the Massachusetts Historical Society found a letter in the *Paine Papers* essential to my thesis. Additionally, Pattie Hainer graciously shared source information with me from her work, *Draft Report on the Black Community of Scituate-Norwell*. Most importantly, I have had the good fortune to work with an enthusiastic and knowledgeable thesis advisor, Professor Julie Winch. However, the project could well have been abandoned had it not been for the constant encouragement of my friends and family, especially my daughter, Alicia Marie Moretti, to whom I dedicate this thesis.





## PREFACE

This thesis will document the history of slavery in Scituate, Massachusetts from the arrival of the first “Negro slave” in the seventeenth century to the general emancipation of slaves in Massachusetts at the end of the eighteenth century. Because little work has been done on slavery in specific New England towns, this case study will test the general findings compiled by Lorenzo Greene, the first historian to undertake a scholarly examination of New England slavery, in his seminal work, *The Negro in Colonial New England*.

Scituate, located halfway between Plymouth and Boston, was settled by Pilgrim families from Plymouth<sup>1</sup> as well as by “Saints of a closely related school.”<sup>2</sup> Scituate has always been proud of its Puritan heritage, especially its learned and pious clergymen of the seventeenth century, and the illustrious “Family of Judges,” the Cushings, in the eighteenth century. By the time that Plymouth Colony (also known as the “Old Colony”) was merged into the Province of New England in 1691, and Plymouth County was first established, Scituate was the largest and the wealthiest of its seven towns. It is less well known that Scituate was also, for over one hundred years, one of the largest slave-holding towns in all of Plymouth County.

The Rev. Samuel Deane, author of *History of Scituate* published in 1831, devotes only a few sentences to the subject of slavery in Scituate, noting that in the seventeenth

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<sup>1</sup> Jeremy Dupertuis Bangs, Introduction to *The Seventeenth-Century Town Records of Scituate, Massachusetts*, Volume Three (Boston: New England Historic Genealogical Society, 2001), 129. Settlement began in 1633; the town was incorporated in 1636.

<sup>2</sup> George F. Willison, *Saints and Strangers* (New York: Time, 1964), 340-341.



century most slaves were Indians, honorably won by the colonists “with their sword and their bow.” Deane states that he found only one instance of an African slave in Scituate before 1690. However, he concedes that after 1700 it was the custom of the wealthy families to purchase African slaves and notes that the “posterity of that race is now more numerous in this Town, than in any other town of the ancient Colony.”<sup>3</sup>

Little more has been written about either that first African slave or the “numerous posterity” mentioned by Deane in 1831. Other anecdotal works about prominent Scituate families and their slaves, included in the D.A.R.'s *Old Scituate* published in 1921, offer quaint and highly implausible portrayals of an idyllic slave life. Joseph Foster Merritt's *Old Time Anecdotes of the North River and the South Shore*, published in 1928, does discuss some of the black “characters” who lived in Scituate in the nineteenth century, but is vague when determining their origins -- suggesting that some may have been former slaves from the South. Harvey Pratt, in his 1929 *Early Planters of Scituate*, barely mentions slavery. Vernon Briggs, who in 1938 published many documents from his own family records in *History and Genealogy of the Briggs Family*, was the first to explore the topic of slaveholding in Scituate. The most recent work on the subject, *Draft Report: The Black Community of Scituate-Norwell 1638-1800*, written by reporter Pattie Hainer in 1995, reopens the investigation. Somewhere between the cursory remarks of early historians and the patronizing caricatures by the D.A.R. lies the real history of the “Negroes,” “mulattos,” and “people of color”<sup>4</sup> in Scituate.

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<sup>3</sup> Samuel Deane, *History of Scituate, Massachusetts from its First Settlement to 1831* (Boston: James Loring, 1831; reprint, n.p.: Scituate Historical Society, 1975), 151.

<sup>4</sup> While the question of race and perceived racial identities is important (and indeed underlies the differential treatment of slaves at the hands of whites), it is outside the scope of this paper. The primary records certainly do mention race, but the identity of the





Although Scituate's involvement in slavery was peripheral to the activities in Boston and other major New England towns scrutinized by Greene, its history offers an intriguing look into the whole cycle of slavery within a rural town which was the home of the slave trader John Saffin (from 1645 to 1647), and a frequent wayside stop of his anti-slavery opponent Judge Samuel Sewall (from 1692 to 1728). More significantly, Scituate was the home of Mariah, the first Negro to initiate a freedom suit in the Old Colony (in 1714), and it was also the home of Supreme Court Justice William Cushing, who is credited with effectively ending slavery in Massachusetts (in 1783). Therefore, Scituate would seem to be a likely prospect for investigating how well Greene's thesis that "Negro slavery in New England was a peculiar admixture of servitude and bondage,"<sup>5</sup> applies to a typical Massachusetts town.

The most difficult aspect of this research is to trace the personal histories of the Negro slaves of Scituate who, prior to the Revolutionary War, were known by only a

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informant, be it the clerk, the slave, or the master who made the racial designation cannot be determined. Therefore, the terms used in this thesis are those terms found in the historical record. If there appears to be a discrepancy, it will be noted. The various labels used by town clerks to designate non-whites changed over the years. The earliest terms used in seventeenth-century Plymouth Colony were, "Moor," "Blackamore," "Ethiope," "Negro" and "Indian." In the mid-seventeenth century the term "mulatto" appears as a result of interracial unions between Negroes and whites and Negroes and Indians; the term "mustee" is not used. The terms "Negro," "Indian," "mulatto" and "Spanish-Indian" (probably applied to those slaves from the Spanish West Indies) are used throughout the eighteenth century. In 1792 the term, "black," is first used; the term, "colored," is used for the first time in 1810. The designation, "colored," appears primarily in civil records; "black" is more often found in church records. The term, "African," is first used by William Cushing in the "Quock Walker decision" in 1783. African-American" is a contemporary designation not found in the pre-twentieth-century records.

<sup>5</sup> Lorenzo J. Greene, "Slaveholding New England and its Awakening: Colonial Period," *Journal of Negro History* 13, no.4 (October 1928):492; See also: Lorenzo Johnston Greene, *The Negro in Colonial New England* (New York: Columbia University Press, 1942; reprint, New York: Atheneum, 1971), 334.





single given name. Fortunately, for the purposes of this study, the population of Negro slaves in Scituate seldom exceeded one hundred persons at any given time. Also fortunate is the fact that the town archives of Scituate is the repository of a wealth of primary source materials dating back to 1633. They include Civil Birth, Marriage and Death records; Deeds; Town Meeting Minutes; Records of the Overseers of the Poor; Settlement Cases; and State Poll Tax Records. Additionally, the original records of both the First and Second Parishes are available for examination.<sup>6</sup> A transcription of Plymouth County Court Records can be found at the Mayflower Society. Censuses, beginning with the slave census of 1754, are available on microfilm at either the State Archives, or the National Archives. The Massachusetts Historical Society holds other primary sources such as the personal papers of the Cushing family.

From this array of unpublished material a reconstruction of the slave population and a list of slavemasters in Scituate can be made. Information garnered from local histories and culled from a large number of probate records and deeds to land allows for some reconstruction of slave life within the home and within the environs of Scituate. The secondary sources, mentioned in the review of the literature in Chapter One, inform the interpretation of the data which these primary records yield.

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<sup>6</sup> The First Parish Church of Scituate was located within the earliest settlement closest to the harbor. The Second Parish Church of Scituate was located upriver, nearer the south end of town. The south section of town, which was more vulnerable to Indian raids, did not flourish until after King Phillip's War. This south section of Scituate was later incorporated as the separate town of South Scituate in 1849. In 1888 the name of the town of South Scituate was changed to Norwell, and the Second Parish Church of Scituate became known as the First Parish Church of Norwell.



## TABLE OF CONTENTS

ACKNOWLEDGMENTS.....	v
PREFACE.....	vi
CHAPTER	Page
1. ORIGINS, DIMENSIONS AND RAMIFICATIONS OF SLAVERY IN NEW ENGLAND.....	1
2. SLAVERY IN SCITUATE, PLYMOUTH COLONY IN THE SEVENTEENTH CENTURY: A FLEXIBLE SERVITUDE.....	23
3. SLAVE LIFE IN SCITUATE DURING THE FIRST HALF OF THE EIGHTEENTH CENTURY: MORE SLAVES, LESS FREEDOM .....	46
4. RELIGIOUS REVIVAL AND REVOLUTIONARY RHETORIC IN THE MID-EIGHTEENTH CENTURY: FREE THE SOUL, THEN FREE THE BODY.....	66
CONCLUSION.....	86
BIBLIOGRAPHY.....	88





## CHAPTER 1

### ORIGINS, DIMENSIONS AND RAMIFICATIONS OF SLAVERY IN NEW ENGLAND

Lorenzo J. Greene's thesis, that Negro slavery in New England was an "admixture of slavery and bondage" is based mainly on three factors. First, the Negro population was never very large, rarely more than 5% of the total population, so it offered no great threat to the security of the white community; white slavemasters could afford to be lenient. Second, there were very few places where plantation-type conditions existed;<sup>1</sup> both the city dwellers and rural slaveowners employed only one or two slaves per household and these slaves lived within the family unit. Finally, family life in New England was centered around the Congregational Church. "Ministers and magistrates...helped through precept and example to foster this benign paternalism." Puritanism, with its emphasis on an ordered, patriarchal society, is the third and most important factor in Greene's thesis.<sup>2</sup>

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<sup>1</sup> Kingstown, Rhode Island was one of those places. With farms ranging from 600 to 1,000 acres, it was "a landed aristocracy differing from any other to be found in New England." In 1730 it had the highest ratio of Negroes to whites in New England--965 whites, 333 Negroes and 223 Indians. Lorenzo J. Greene, "Slaveholding New England and its Awakening: Colonial Period," *Journal of Negro History* 13, no.4 (October 1928): 513. Within New England, the largest concentrations of slaves were in the coastal cities of Portsmouth, New Hampshire; Salem and Boston, Massachusetts; New Haven, Connecticut, and on the plantations of Rhode Island. By 1790 Negroes represented 1.4% of the population of Massachusetts, 2.3% in Connecticut and 6.4% in Rhode Island. Lorenzo Johnston Greene, *The Negro in Colonial New England*, (New York: Columbia University Press, 1942; reprint, New York: Atheneum, 1971), 76.

<sup>2</sup> Greene, *NCNE*, 219.



However, Greene is no apologist for New England slavery; his earliest essays are quite skeptical about Puritans in New England. He rejects the assertion that slavery was repugnant to them, insisting that there was no stigma attached to holding Negroes in perpetual servitude until the Revolution. However, he does argue that religion mitigated the harshness of slave life. The Puritan saw the institution of slavery as being part of a God-given hierarchy in which the elect extend a fatherly concern for the less competent members of society--women, children, indentured servants and slaves-for-life. Greene argues that this Hebraic model of slavery as practiced in Puritan New England was relatively benign when compared with the dehumanizing kind of Negro slavery which existed in the relatively unchurched colonies in the South.

Life in New England was church-centered. In fact, by 1640 there were some three hundred university-trained Puritan clergymen in Massachusetts “who vigorously promoted the religious objectives of the colony.”<sup>3</sup> Many of these clergymen such as the Rev. John Eliot, and Puritan magistrates such as Judge Samuel Sewall (who was educated for the ministry), never owned slaves. Other Puritan leaders, such as the Rev. Cotton Mather, who did own one or two slaves, were, by all accounts, humane masters. Greene does not attempt to exonerate Puritans like Mather from the charge of enslaving their fellow human beings. Rather, Greene suggests that in its time and place, the influence of Puritanism mitigated some aspects of the inhumane institution of slavery, and in some respects Puritans treated their Negro slaves in much the same way as they treated their white indentured servants.

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<sup>3</sup> Richard D. Brown and Jack Tager, *Massachusetts: A Concise History* (Amherst: University of Massachusetts Press, 2000), 29.





This view is supported by the more recent work of historian Lawrence Towner. Towner argues that although there were legal distinctions between indentured white servants and Negro slaves, in reality the lines between the two groups were often blurred. The slaves and servants in large towns such as Boston appear to have been engaged in a variety of similar trades; the slaves and servants in the rural areas were more often employed as domestics.<sup>4</sup> But Towner does not emphasize the paramount difference between the Negro slaves and the white indentured servants: Negro and Indian servants were usually considered part of a dying man's estate, that is part of his property, whereas the time left in the indenture of a white servant, not the person himself, was bequeathed to his heirs.<sup>5</sup> In this respect, slaves, though often treated like servants, were not in fact the same as other servants. Slaves were listed as property, along with cattle and sheep.

Most historians of slavery and race do not take issue with Greene's basic tenet, that slavery was less harsh in New England than anywhere else in America, but a few differ in their analysis of what caused this to be. For example, Edgar McManus contends that New England Negro slaves wielded some sort of economic power which forced the masters to make concessions to them.<sup>6</sup> Yet Winthrop Jordan argues that there was "no economic exigency."<sup>7</sup> Revisionist historians of the 1960s, such as Winthrop Jordan, were writing in an era of great racial conflict; to them the more important question was not what slavery

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<sup>4</sup> Lawrence W. Towner, "A Fondness for Freedom: Servant Protest in Puritan Society," *William and Mary Quarterly*, 19, no.2 (April 1962): 201.

<sup>5</sup> John Demos, *A Little Commonwealth: Family life in Plymouth Colony* (New York: Oxford University Press, 2000), 110.

<sup>6</sup> Edgar J. McManus, *Black Bondage in the North* (Syracuse: Syracuse University Press, 1973), x.

<sup>7</sup> Winthrop D. Jordan "The Influence of the West Indies in the Origins of New England Slavery," *William and Mary Quarterly* 3d ser., 18 (April 1961): 243.



was like in New England, but why slavery took hold at all. For Lorenzo Greene, who wrote from 1916 to 1942, this was not a pressing issue. However, Greene does suggest that the institution of slavery was not firmly entrenched in New England. He cites one example of a very early manumission in Connecticut: Theophilus Eaton, Governor of New Haven Colony, settled a family of freed slaves on a farm in 1646. Eaton, like other Puritans, evidently “regarded the slave as synonymous with the Hebrew ‘servant,’ who was to serve for six years and then go free.” Greene even suggests that in the very early days, it was likely that “some Negroes had never been actual slaves.”<sup>8</sup> Some contemporary scholars have followed up on that idea.

Ira Berlin theorizes that there was a “charter generation” of blacks in seventeenth-century Colonial America, which was freer than later generations of blacks. He attributes this to the fact that many of the first Negroes in Colonial America were of Atlantic Creole origins--savvy, skilled, multilingual, and unused to being slaves. Berlin uses some well-known examples from Colonial Virginia as his model, and he stretches the analogy to include the Negro experience in Colonial New England as well.<sup>9</sup>

But not all historians agree with this revised thesis of freedom gradually lost. Jordan argues emphatically against this point of view. He maintains that the institution of slavery was imported to Massachusetts along with the first “cargo” of Negroes in 1638: the close contact between New England and the West Indies, including the transport of Negroes, “provided a channel through which the idea of the peculiar status of Negroes may have passed.” When New Englanders purchased Negro workers from the English

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<sup>8</sup> Greene, *NCNE*, 290.

<sup>9</sup> Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1997), 12.





colonists in the West Indies, they also bought the idea of the Negro as differing fundamentally from other men. Jordan questions any notion that the first Negroes in mainland Colonial America were servants, not slaves, allowing only that a few Negroes “may have been assigned a status of normal servitude.”<sup>10</sup>

Robert Twombly and Robert Moore agree with Jordan that the first Negroes in New England were slaves. Citing racial slurs in the journal of the English traveler, John Josselyn,<sup>11</sup> they also contend that from the very beginning of colonization, even before Negro slavery was introduced, anti-Negro prejudice existed in Massachusetts. Although the authors agree that “the Puritans did not hold advanced racial views,” they do argue that “Puritans placed a high priority on the universality of justice.” They argue further that there was “widespread anathema for the slave trade,”<sup>12</sup> but offer little proof, except to point out that there were only two hundred Negro slaves in Massachusetts by 1698.<sup>13</sup>

Bernard Rosenthal, on the other hand, maintains that from the beginning there was an anti-slavery position among the Puritan clergy but it was not unanimous and it was

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<sup>10</sup> Jordan, “Influence of the West Indies,” 250, 244.

<sup>11</sup> Robert C. Twombly and Robert H. Moore, “Black Puritan: The Negro in Seventeenth Century Massachusetts,” *William and Mary Quarterly* 3d ser., 24 (April 1967):224, 225. Josselyn notes that “It is the opinion of many men, that the blackness of the Negroes proceeded from the curse upon Cham’s posterity,” and that Massachusetts merchants sent the “refuse fish” to the “Charib-Islands...who feed their Negroes with it;” and that “the creatures that they have at Barbadoes...they call Negroes heads.” However, Josselyn’s comments were written between 1663 and 1671 and hence postdated the arrival of the first Negro slaves to New England. *John Josselyn, Colonial Traveler: A Critical Edition of Two Voyages to New England*, Paul J. Lindholdt, ed. (Hanover, NH: University Press of New England, 1988), 129, 144-45.

<sup>12</sup> Twombly and Moore, 227.

<sup>13</sup> The small number of African-born slaves has also been attributed to the harsh climate, particularly the “little ice age,” which affected New England in the seventeenth and eighteenth centuries--causing the black death rate to be twice that of whites. David Hackett Fischer, *Albion’s Seed: Four British Folkways in America* (New York: Oxford University Press, 1989), 152.



overshadowed by the mercenary interests of the mercantile class. Unfortunately, his examples are not totally convincing. For example, although Cotton Mather did argue that Negroes had souls and could therefore become part of the “elect,” he was not a proponent of any anti-slavery campaign. Rosenthal also acknowledges the importance of the foremost anti-slavery tract of the seventeenth century, Samuel Sewall’s *The Selling of Joseph*, in stimulating public discussion.<sup>14</sup> More to the point, Bernard Bailyn argues that there was a conflict of opinion between the Puritan clergy and other “pious” men and the mercantile class, but Puritan opposition did not dissuade some merchants from trading in slaves. The first generation of Puritans were so dependent upon the mercantile class to import manufactured goods, that they had little clout in dictating the terms pertaining to the trade in slaves. Bailyn also argues that conflicts of conscience were less frequent in the second generation. By the 1660s a second generation of fortune-seeking merchants were intent on economic imperialism, with an antipathy toward Puritans. The ministers in turn lamented the fact that “New England had forsaken its original purpose and now ran idolatrous after new gods.”<sup>15</sup> The ethos of Puritanism came into conflict with mercantilism in the late seventeenth century in Massachusetts.

Bailyn and Jordan make the most persuasive arguments about the status of Negroes and the attitude of the New England colonists toward them. As Jordan points out, although Negroes never constituted more than 3 percent of the population of New England, they were placed in a specific, separate class. However, as Greene observes, the

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<sup>14</sup> Bernard Rosenthal, “Puritan Conscience and New England Slavery,” *New England Quarterly* 46, no.1(March 1973), 62.

<sup>15</sup> Bernard Bailyn, *The New England Merchants in the Seventeenth Century* (New York: Harper & Row, 1964), 140.





master had the discretion to treat them as indentured servants. Some masters shortened the term of indenture and freed their slaves. Others arranged to free their slaves upon their death or the death of their wives. Indeed, by the end of the seventeenth century, there was a significant number of Negroes in Massachusetts who were free. However, this flexible and individualistic approach to slavery gradually changed. The institutionalized form of slavery in the eighteenth century was not nearly as “benign.”

The first task for historians then is to evaluate the use of the term “benign” as applied to Negro slavery in New England. A. Leon Higginbotham rightly questions the whole concept of “benign” slavery--he maintains that there is no “good kind” of slavery and it is “an indignity to pursue it.” He does allow, however, that if one “finds merit” in comparing the depth of deprivation, then the New England system of slavery was “the most benign.”<sup>16</sup> But even in New England the situation was not static. There was a direct correlation between the increase in the Negro slave population in New England at the beginning of the eighteenth century and the institution of harsher codes, after sixty years of a flexible servitude under the auspices of the first generation of Puritans.

Massachusetts Bay Colony became involved in the slave trade in 1637, when “the first definitely authenticated American built vessel to carry slaves, the *Desire*, [was] built in Marblehead and sail[ed] out of Salem,”<sup>17</sup> and returned with a “cargo” of Negro slaves. However, not all slaves in seventeenth century Massachusetts were Negroes, and not all Negroes were slaves. Indians and even a few whites were also held in slavery. Indeed, a

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<sup>16</sup> A. Leon Higginbotham, *In the Matter of Color: Race and the American Legal Process: The Colonial Period* (Oxford: Oxford University Press, 1978), 72.

<sup>17</sup> Daniel P. Mannix, *Black Cargoes: A History of the Atlantic Slave Trade, 1518-1865* (New York: Viking, 1962), vii, 61.



handful of white males were sentenced to “slavery” between 1638 and 1642 for various crimes committed against the state; however, all of these white convicts, although condemned to slavery for life, appear to have been released from bondage soon after having made restitution. There was even a case of two Quakers who were ordered to be arrested and sold to “any of the English nation at Virginia or Barbados.” However, the fact that the court was unsuccessful in carrying out this sentence, as “none were willing to take or carry them,”<sup>18</sup> demonstrates that whites were reluctant to enslave other whites.

Indians, on the other hand, were sold into slavery with impunity beginning with the Pequot War in 1637. John Winthrop, the Governor of Massachusetts Bay, wrote to Gov. William Bradford of Plymouth Colony that “ye women and maid children are disposed aboute in ye tounes. Ther have now been slaine and taken, in all, aboute 700.”<sup>19</sup> Of these captive Indians, fifteen boys and two women were sent from Boston “to Bermuda, by Mr. Peirce; but he, missing it, carried them to Providence Isle” (an island off the coast of Nicaragua).<sup>20</sup> These Indians were exchanged for African slaves who were deemed to be more compliant, having already been broken-in on the plantations there.<sup>21</sup> After the Pequot Wars there was a thirty-year period of peace which effectively reduced the supply of Indian servants at precisely the same time that the number of white indentured servants arriving from England was dwindling due to the upheavals caused by the English Civil War. Although this conflict provided “lawful captives” of war for the English--

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<sup>18</sup> Helen T. Catterall, ed., *Judicial Cases Concerning American Slavery and the Negro* vol. IV (New York: Octagon Books, 1968), 469-471.

<sup>19</sup> George Moore, *Notes on the History of Slavery in Massachusetts* (Boston: Appleton, 1866; reprint; New York: Negro Universities Press, 1968), 5.

<sup>20</sup> *Winthrop's Journal; "History of New England," 1630-1649*, John Kendall Hosmer, ed. (New York: Scribner, 1908), 228.

<sup>21</sup> This appears to refute Berlin's thesis of a freer “charter generation” in Massachusetts.





“270 Scotsmen were taken prisoners at the battle of Dunbar in 1652 who were sent to Boston and sold for a term of years, into servitude comparable with negro slavery”<sup>22</sup>-- it must be stressed that the Scots were not slaves for life as were Negroes, rather “they were sold to persons in the [Boston] area for seven years service.”<sup>23</sup> Evidently white captives of war were treated differently from Indian captives of war.

After the horrific King Philip’s War, which began in 1675, Indian captives, especially women and children, were once again sold as slaves, even on the streets of Plymouth, and once again the more recalcitrant male warriors were shipped off to the Caribbean. As Jill Lepore notes, the Puritan fathers considered Indian slavery to be a kind of “compassionate compromise” in lieu of public execution. “With the important exception of an impassioned plea by John Eliot [the English missionary], the mass enslavement of Algonquin Indians proceeded without any delays of conscience.”<sup>24</sup> Negroes, however, were neither convicted criminals, nor were they “just” captives of war. How and when they came to be slaves in Puritan New England is a more convoluted and contested tale.

Although one early historian claims that even “before Winthrop’s arrival [in 1630] there were two Negro slaves in Massachusetts, held by Mr. Maverick, on Noodle’s Island” (East Boston), another nineteenth century historian contests this, insinuating that Maverick purchased these two Negroes from Mr. Peirce sometime in 1638.<sup>25</sup>

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<sup>22</sup> George Francis Dow, *Slave Ships and Slaving* (Cambridge, MD: Cornell Maritime Press, 1968), 297.

<sup>23</sup> Lawrence Towner, “A Good Master Well Served: A Social History of Servitude in Massachusetts 1620-1750,” Ph.D. diss., (Northwestern University, 1955), 128.

<sup>24</sup> Jill Lepore, *The Name of War* (New York: Knopf, 1998), 153.

<sup>25</sup> John Gorham Palfrey, *History of New England*, vol.II (Boston: Little Brown, 1860), 30; Moore, 9.



The latter assertion sounds more plausible. In July 1638 John Josselyn made a detailed note in his journal of his first visit to Samuel Maverick, but he does not mention that there were any slaves living at Maverick's at that time. Yet when Josselyn lodged with Maverick a second time in October of that year, he notes that there were at least three Negroes in residence. In particular, he relates that Mr Maverick's "Negro woman" came to his window at nine o'clock in the morning and in her native language, in a "loud and Shril" voice expressed her grief to him. Whereupon Josselyn learned that

Mr. Maverick was desirous to have a breed of Negroes, and therefore seeing that she would not yield by perswasions to company with a Negro young man he had in his house; he commanded...him to go to bed with her, which was no sooner done but she kickt him out again, this she took in high disdain beyond her slavery, and this was the cause of her grief.<sup>26</sup>

Although Josselyn appears to have been sympathetic to this particular Negro woman's plight, he seems to have been rather nonplussed to find an Englishman owning slaves in Massachusetts. Englishmen were no strangers to Negro slavery, nor did they have any qualms about the trade in slaves.<sup>27</sup> Although "Blackamoors" were common in England, they were not common in New England. In 1641 the Massachusetts Court drew up the "Body of Liberties" which held that

there shall never be any Bond-slavery, Villenage or Captivity among us, unless it be lawful Captives taken in just Wars [and such strangers] as willingly sell themselves or are sold to us, and such shall have the Liberties and Christian Usage which the Law of God established in Israel concerning such persons doth morally require.<sup>28</sup>

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<sup>26</sup> John Josselyn, *Colonial Traveler*, 24.

<sup>27</sup> There were so many Negroes in England that Queen Elizabeth I commissioned a merchant to cart the "blackamores" off in 1601. Gretchen Gerzina, *Black London: Life before Emancipation* (New Brunswick, NJ: Rutgers University Press, 1995), 3-4.

<sup>28</sup> Elizabeth Donnan, ed. *Documents Illustrative of the Slave Trade to America*, vol. III (New York: Octagon Books, 1969), 4.



In that same year “all foreign commodities grew scarce” in the Caribbean, so the colonists looked to the West Indies to sell their lumber, beef, and fish.<sup>29</sup> This development, plus the fact that in the 1640s “over a thousand Barbadians [slave owners] moved to New England,”<sup>30</sup> some accompanied by their slaves as they fled uprisings in the Caribbean, probably provoked the passage of this law. Although “ships from the West Indies visited New England frequently” in the years immediately preceding 1645,<sup>31</sup> no other slave-carrying ship is known to have arrived in the port of Boston until 1645.<sup>32</sup> Despite the increasing importance of the shipping industry, the foremost objective of the founders of Massachusetts Bay was not commerce, but “found[ing] a church and commonwealth in which Calvinist Puritans might live and worship according to the word of God, as they conceived it.” Necessity made “seamen of planters,”<sup>33</sup> and opportunity made slave-traders of seamen, and slave-owners of Puritans. Even the ardent Puritan, John Winthrop, expressed no antipathy to slavery.

The few references to Negro slaves in Winthrop’s journal, spanning the years 1630 to 1647, are quite matter-of-fact. For example, he points out how the hand of God was at work in the 1641 case of a “godly woman of the church of Boston” whose heart was

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<sup>29</sup> Samuel Eliot Morison, *The Maritime History of Massachusetts 1783-1860* (Boston: Houghton Mifflin, 1941), 11.

<sup>30</sup> Larry D. Gragg, “The Barbados Connection: John Parris and the Early New England Trade with the West Indies,” *The New England Historical and Genealogical Register* (April 1986): 112-113.

<sup>31</sup> Bailyn, 85.

<sup>32</sup> In 1645 a ship “went to the Canaries with pipestaves...returned now, and brought wine, and sugar, and salt, and some tobacco, which she had at Barbadoes, in exchange for Africoes, which she carried from the Isle of Maio” (one of the Cape Verde Islands). *Winthrop’s Journal*, vol II, 227.

<sup>33</sup> Morison, *Maritime History*, 12. Marblehead was an exception. As one local fisherman put it: “Our ancestors came not here for religion. Their main end was to catch Fish!”





“taken from worldly goods” when her “negro maid” accidentally started a fire which destroyed a “parcel of very fine linen.”<sup>34</sup> The desire for worldly comforts, not the desire for Negro slaves, is the sin which Winthrop is addressing. Yet, the quest for godliness was not limited to whites. Winthrop also rejoices in April 1641 that a “negro maid, a servant to Mr. Stoughton of Dorchester, being well approved by divers years’ experience, for sound knowledge and true godliness, was received into the church and baptized.”<sup>35</sup>

Winthrop mentions no other incidents involving Negroes in Massachusetts. However, he does mention the dismissal of Nathaniel Eaton (the brother of Gov. Theophilus Eaton of New London) from his post as Headmaster at Harvard College in September 1639.<sup>36</sup> The cause of his dismissal was that Mrs. Eaton had allowed a “Moor” to lie in student Samuel Hough’s bed, and she had served the students “the Moor’s crusts” and allowed “the Moor to have beer” with them, or as she put it, she saw to it that “they share and share alike.”<sup>37</sup> This episode demonstrates that a few Negroes were already in Cambridge, as well as in Boston, at this early date; it also suggests that some Negroes lived in rather intimate terms with their employers. Interestingly, neither Josselyn, Winthrop nor Eaton call these blacks, “slaves”; they are referred to as “Mr. Maverick’s Negro woman,” a “Negro maid” and a “Moor.” The ambiguity of the Negro’s status reflects the conflict of conscience which often afflicted slave-owning Puritans.

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<sup>34</sup> *Winthrop’s Journal*, vol.II, 31. This godly woman, “whose husband was slain not long after at the Isle of Providence,” may well have been the wife of Capt. Peirce, and the “negro maid” one of the original slaves who arrived on the *Desire* in 1638.

<sup>35</sup> *Winthrop’s Journal*, vol.II, 26.

<sup>36</sup> *Winthrop’s Journal*, vol. I, 312.

<sup>37</sup> Samuel Eliot Morison, *Builders of the Bay Colony* (Boston: Houghton Mifflin, 1962), 191-192.



When the slave-ship, *Rainbow*, arrived in Boston Harbor in 1645, it aroused the indignation of the General Court, not because of any qualms about slavery per se, but because the Negroes on board the vessel had been “stolen” rather than procured by lawful means and also because the crime of man-stealing had been committed on the Sabbath. The magistrates, “conceiving themselves bound by the first opportunity to bear witness against the heinous and crying sin of man stealing,” as well as Sabbath-breaking, ordered that the Negroes be returned to their native country of “Ginny.”<sup>38</sup> Meanwhile, the merchants were touting the economic benefits to be had in purchasing African slaves. As noted in a letter from Emanuel Downing to his brother-in-law, John Winthrop:

If upon a Just warre [with the Narragansett Indians] the Lord should deliver them into our hands, wee might easily have men woemen and children enough to exchange for Moores, which will be more gainefull pillage for us then wee conceive, for I doe not see how wee can thrive untill wee get into a stock of slaves sufficient to doe all our business, for our children's children will hardly see this great Continent filled with people, soe that our servants will still desire freedome to plant for themselves, and not stay but for very great wages. And I suppose you know verie well how wee shall mayneteyne 20 Moores cheaper than one English servant.<sup>39</sup>

Of course, it was thirty years before God would deliver any more Indian captives from another “Just warre” and by that time, 1675, at least two hundred “Moores” had indeed been imported to Boston. Downing’s letter anticipates the trends which would accelerate in the eighteenth century when African slaves would rapidly replace both the dwindling number of indentured English servants and the ravaged Indian population. It also signals the conflicts which would arise between the merchant class and the theocrats over the issue of maintaining and integrating the enslaved “Moores” into the community.

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<sup>38</sup> Catterall, 470-471.

<sup>39</sup> Quoted in Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro 1550-1812* (New York: Norton, 1977), 69.





However much “Moors” may have been desired, African slaves were not easy to come by in the seventeenth century due to the international restrictions on the slave trade. Even after the Royal African Company was chartered in 1672, and the North American slave trade began to flourish, the number of African slaves in New England remained small. Because the English-owned company had a monopoly on trade to the west coast of Africa, vessels from New England ports had to go to the east coast of Africa, e.g. Madagascar, to purchase slaves or else they resorted to illegal means.<sup>40</sup> These restrictions on the eager Colonial merchants, coupled with whatever hesitation the more reflective members of the Puritan community may have had, kept the number of Negro slaves in the colony to a minimum during the seventeenth century. Despite the observation of Josselyn during his second sojourn in Massachusetts (from 1663 to 1671) that the Massachusetts colonists “are well accomodated with Servants...of these some are English, others Negroes,”<sup>41</sup> the record shows that in 1676 there were still “not above 200 slaves in the colony, and those [were] brought from Guinea and Madagascar.”<sup>42</sup>

In May 1680 Governor Bradstreet declared, “There hath been no company of blacks or slaves brought into the country since the beginning of this plantation, for the space of fifty years, only one small vessell about two years since, after twenty months’ voyage to Madagascar, brought hither betwixt forty and fifty Negroes, most women and children,” who were sold for £10 to £20 apiece. Soon after Bradstreet’s declaration, he was petitioned by John Winslow to grant him “liberty to bring up his Negros to Boston

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<sup>40</sup> Mannix, 64, 67.

<sup>41</sup> *John Josselyn, Colonial Traveler*, 126.

<sup>42</sup> Moore, 49.



[from the Caribbean.]"<sup>43</sup> As Bradstreet's declaration makes clear, despite the fact that Negroes in Boston may have been called "servants," they arrived as "slaves," and were sold on the auction block.

Before the monopoly of the Royal African Company was ended by the British Parliament in 1696, some Massachusetts merchants circumvented the law. For example, in June 1681, John Saffin tried to offload some slaves from Guinea and "put into Swansy" (in southern Plymouth Colony), but feared that his ship *Elizabeth* would be seized by Rhode Island authorities, so he instructed his men to try to land at Nantasket (part of Hull), and unload the Negroes under cover of night. Merchants such as Saffin were responding to a demand for Negroes, particularly in Boston. As a French refugee visiting the city in 1687 observed: "You may own Negroes and Negresses; there is not a house in Boston, however small may be its Means, that has not one or two."<sup>44</sup> Yet, even in 1708, after restrictions on the trade in Negro slaves had been lifted, the total number of "Negroes" living in the entire Province (Plymouth Colony had merged with Massachusetts Bay in 1691) was only 550--400 of whom were living in the town of Boston, the other 150 were distributed throughout the outlying towns and villages.<sup>45</sup>

The presence of 400 Negroes in Boston alone did not lead to harsher Slave Codes. As Greene argues, "slave codes were not the outgrowth of conscious planning but developed from local attempts to meet certain emergencies as they arose." In 1652 there could not have been much concern about Negro uprisings in Massachusetts because both Negroes and Indians who lived as servants to the English "were compelled to undergo

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<sup>43</sup> Moore, 49.

<sup>44</sup> Donnan, vol. III, 15, 16.

<sup>45</sup> Greene, *NCNE*, 124.



military training.” But by 1656 Negroes and Indians were barred from the militia.<sup>46</sup> In 1670 there was a significant and onerous change in the slave code: children of slaves could now be sold into bondage. (The Body of Liberties had not mentioned the fate of children born to slave women in Massachusetts; they were presumed to be born free.)<sup>47</sup>

Although most of these laws were enacted for the benefit of the master class, a few laws, reflecting the lingering influence of the Puritan ethos, took into consideration the exploitation of the slave. Masters were forbidden from the very beginning to work their servants on the Sabbath. In 1686 the death penalty was instituted for a master who willfully killed his servant or slave, although the penalty does not appear to have been enforced. In 1700 an act was passed which protected Indians from coerced indenture or other chicanery on the white man’s part, and in 1703 a law restraining slaveowners from releasing slaves, particularly the old and infirm, who could become public charges, was enacted. Owners had to post a fifty pound bond before manumitting a Negro slave.<sup>48</sup>

During the 1660s, the appearance of Negro surnames signals the rise of a class of free blacks at the same time that evidence of a mixed race “mulatto” class appears, a fact not lost on the white magistrates in Boston. They eventually outlawed marriage between mulattoes or Negroes and whites in 1705. The justification for this law was patently racist; it was enacted to prevent a “Spurious and Mixt Issue.”<sup>49</sup> More oppressive measures followed. By 1707, when only thirty-three free blacks were living in Boston, a law was passed which restrained free Negroes from entertaining non-white servants in

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<sup>46</sup> Greene, *NCNE*, 124, 126, 127.

<sup>47</sup> Oscar Reiss, *Blacks in Colonial America* (Jefferson, NC: McFarland, 1997), 67.

<sup>48</sup> Greene, *NCNE*, 138, 139.

<sup>49</sup> Greene, *NCNE*, 208.





their homes without the masters' permission. However, the free Negroes and mulattoes were also ordered to engage in military duty, since they had a "share in the benefit."<sup>50</sup> In general, as Greene notes, in colonial times "the severity of proscriptive legislation against Negroes was determined by the density of the Negro population." However, in 1700 there were no more than 1,000 Negroes (slave and free) in all of New England, out of a total population of about 90,000.<sup>51</sup> The magistrates appear to have been more concerned about social propriety than public safety. Despite the restrictive legislation, if you had to be a slave in America, you were best off living in Massachusetts.

Leon Higginbotham pursues a comparison of the legal process in each of the American Colonies. He finds that in Massachusetts, Negroes and whites did receive equal treatment under the law. Although he admires the law, he dismisses lawmakers such as Supreme Court Justice William Cushing, who wrote the "Quock Walker decision," which effectively ended slavery in Massachusetts; he credits only pre-revolutionary public sentiment for ending slavery in Massachusetts. Nor does he give credence to the mitigating effect of the Puritan ethics, except for Eliot's; he dismisses Samuel Sewall.<sup>52</sup> Yet nowhere else is the conflict of conscience over the issue of slavery better illustrated than in the life and literary works of Judge Samuel Sewall. Sewall wrote in his diary in 1700 that he had long "been much dissatisfied with the Trade of fetching Negroes from

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<sup>50</sup> George A. Levesque, *Black Boston: African-American Life and Culture in Urban America, 1750-1860* (New York: Garland, 1994), 48, 49.

<sup>51</sup> Greene, *NCNE*, 140, 73.

<sup>52</sup> Higginbotham, 72. John Eliot died before he could extend his work among the Indians to include Negro slaves. As Mather recalls: "He [Eliot] had long lamented it, with a bleeding and burning passion, that the English used their negroes but as their horses or their oxen." Cotton Mather, *Magnalia Christi Americana: The Ecclesiastical History of New England; From its First Planting in the Year 1620 Unto the Year of Our Lord 1698*. [1702] ed. 1852 (Boston: Russell and Russell, 1967), vol.II, 439, 576.



Guinea...At last reading Bayne, Ephes. about servants, who mentions Blackamores, I began to be uneasy that I had so long neglected doing any thing.”<sup>53</sup>

Sewall--spurred on by a petition “for the freeing of a Negro man and his wife, who were unjustly held in bondage,” and encouraged by a motion by Boston lawmakers to tax all importers of Negroes, and knowing that Rev. Cotton Mather was about to publish a sheet exhorting masters to Christianize their Negroes--ended his entry with a fervent hope that he “was call’d of God to Write this Apology for them: Let his blessing accompany the same.” So Sewall wrote a small pamphlet on the subject of slavery, entitled *The Selling of Joseph*, in which he equated Joseph’s experience with manstealing and then manstealing with slavery, proving the moral liability of the last from the known immorality of the first. Sewall’s reasoning outraged many of his contemporaries, especially Mather who, although “vigorously opposed to the slave trade,” had gone to great lengths to reassure his Puritan parishioners that they could Christianize their Negro slaves without having then to free them; their financial investments would be secure.<sup>54</sup>

Sewall’s opponent, John Saffin, both a slavetrader and a slaveowner, responded to Sewall’s anti-slavery tract with *A Brief and Candid Answer to a Late Printed Sheet, Entitled, The Selling of Joseph etc.*, published in 1701. Saffin’s none-too-brief response included a virulent poem on “The Negroes Character,” probably directed at his own slave, Adam, who had successfully sued Saffin for his freedom that same year. Saffin lost the court case, thanks in large part to Sewall’s efforts. As Sidney Kaplan points out:

“Sewall was a pillar of the orthodox and a wealthy merchant, as broad and narrow of

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<sup>53</sup> *Diary of Samuel Sewall 1674-1729*, M. Halsey Thomas, ed. (New York: Farrar, Strauss and Giroux, 1973), vol. I, 433.

<sup>54</sup> *Sewall*, I, 433.



mind as his theocratic peers...But two humane and heroic acts set him apart for all time.” The first was his public confession in 1697, of his error in condemning to death the alleged witches at Salem. The second was his writing the anti-slavery tract, *The Selling of Joseph*.<sup>55</sup>

In 1701, the year after Sewall’s tract appeared, the Representatives to the General Court submitted a proposal to promote the bringing in of white servants and putting an end to Negroes being slaves; however, it was rejected. In 1705 Sewall tried to stop the bill preventing marriage between “White men [and] Negroes or Indians,” but the tide was against him. The best he could do was to get “the Indians out of the Bill, and some mitigation for them [the Negroes] left in it, and the clause about their masters not denying their marriage.” Despite his best efforts, including the publication of another pamphlet called, *The Athenian Oracle*, the act for “The Better Preventing of a Spurious and Mixt Issue” became law. One of Sewall’s last official acts came in 1716 when he “essay’d to prevent Indians and Negroes being Rated with Horses and Hogs; but could not prevail.”<sup>56</sup> Although this was Sewall’s last public act, his diary reveals his continued good relations with and compassion for blacks and Indians.<sup>57</sup> Sewall concludes a letter to

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<sup>55</sup> Sidney Kaplan, *The Selling of Joseph: A Memorial* (Amherst: University of Massachusetts Press, 1969), 28.

<sup>56</sup> Kaplan, 45-7, 49, 51.

<sup>57</sup> One of the most revealing episodes in Sewall’s diary concerns his relationship with a Negro freeman named Boston. When Boston died in 1729, “having acquired to himself the general Love and Esteem of all his Neighbors,” there were many whites, including “Magistrates, Ministers, Gentlemen” among the mourners. *New England Weekly Journal*, 24 February 1729. The wake was held at Sewall’s own home. Sewall had been one of the beneficiaries of Boston’s “good offices,” perhaps none so poignant as on the hot summer night that Sewall’s daughter died. They placed her in a coffin but “Boston [would] not have her put in the Cellar; so she is only removed into the best Room. Because the casements were open for Coolness, Boston would watch all night.” *Sewall*, II, 1021.





a cousin in 1725, with the unambiguous declaration for which he was roundly criticized by his less charitable peers: “I have an Antipathy against Slavery.”<sup>58</sup> Although other Puritans may have shared his sentiments, he was the only one to speak out publicly. As Towner notes, by 1700, “it was Mather’s view, [to free the soul] and Saffin’s, [to enslave the man] not Sewall’s, that were representative of the times.”<sup>59</sup>

Albert Von Frank concurs that “it is not likely that Saffin was the [only] author of racial bigotry,” but it is important to stress that his public denunciation of Negroes was also the first of its kind. It wasn’t until the monopoly of the Royal African Company was broken in 1696, and the number of slaves coming into the colony increased dramatically, that the slavery issue became really pressing.<sup>60</sup> At the end of the century, the old indenture model was fading away and perpetual servitude was no longer discouraged. Therefore, as Von Frank argues, “Sewall’s protest against slavery was thus timely and not

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<sup>58</sup> In the same letter Sewall also mentions the death of intimate friends, and the deaths of his daughter Hannah, and Scipio, his longtime faithful servant. Sewall writes that he now needs a “staff” to lean on, another Scipio as it were, and so he asks his cousin, Samuel Sweet, to send his (Sweet’s) young son Benjamin to dwell with him and “to serve me so long as I please.” Benjamin would be a servant like Scipio had been, a true servant, and not a slave called by another name. “Sewall’s Letter Book, 1686-1729,” *Massachusetts Historical Society Collections*, 6th series, vol.II, (Boston: The Society, 1886-1888), 182.

<sup>59</sup> Lawrence Towner, “The Sewall Saffin Dialogue on Slavery,” *William and Mary Quarterly*, 21, 3d series, no.1 (Jan 1964): 52.

<sup>60</sup> Saffin’s personal association with Negroes dates back at least to the years that he lived in Virginia as a young man (1654-1657), where “in all likelihood he got a closer look at slavery than if he had stayed at home in Scituate.” Later on, from 1676 to 1694 when living in Swansea, Massachusetts, “in each of the three cases where Saffin had acquired control over individuals, named ‘slaves’--he limited their terms...and one has to assume that it is because perpetual servitude was the discouraged exception rather than the norm.” When Saffin reneged on a contract to free his slave Adam after a term of seven years, he may have been influenced by the fact that “there was in Boston in 1701 an active market for outright slaves that simply had not existed in 1694.” Albert J. Von Frank, “John Saffin: Slavery and Racism in Colonial Massachusetts,” *Early American Literature*, 29, no.3 (Fall 1994): 254, 255, 257, 258, 260.



belated.”<sup>61</sup> Samuel Sewall was among a dying breed of Puritans, no longer able to keep mercantile interests at bay.

In 1700 when Sewall wrote his tract, there were only 1,000 Negroes in all of New England; twenty years later there were 2,000 Negroes in Massachusetts alone.<sup>62</sup> However, even after the “Assiento” of 1713 when the New England slave trade rapidly accelerated, Massachusetts’ slave population remained small when compared with the huge slave populations in some southern colonies.<sup>63</sup> For example, although Scituate was the largest slave-owning town in Plymouth County in 1754, it had only forty-three Negro slaves.<sup>64</sup>

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<sup>61</sup> Von Frank argues that the only “certifiable slaveowner in the colony was Samuel Maverick, a convivial, hard-drinking Anglican merchant.” Von Frank, 266. This is not correct; there were other slaveowners in Massachusetts in the 17th century.

<sup>62</sup> Moore, 49-51. Yet, the status of the Negro remained ambiguous. In 1720 when Governor Shute reported that the number of “slaves” in Massachusetts was “2,000, including a few Indians,” his terminology suggests that by the Governor at least, it was understood that “slaves” were usually “Negroes.” In 1754, Governor Shirley was still “at a loss” to know very much about this “one part of the Estate, viz., the Negro.” So he ordered that each town in the Province return an “exact number of the negro slaves, both males and females, sixteen years old and upwards.” Although the returns were incomplete, there were at least 4,489 adult Negro slaves living in Massachusetts in 1754. In 1764 when the number of Negro slaves was probably at its peak, “Negroes” not “Negro slaves,” totaled 5,779. There was a continuous decline in the Negro population from 5,779 to 5,249 in 1776, down to 4,377 in 1784. Although there are differences of opinion as to when the number of Negro slaves peaked in Massachusetts, two peak periods of slave ownership are suggested: either sometime around 1763, according to Dr. Belknap, an eyewitness to slavery in the late 1700s, or more precisely, in 1745, according to Prince Hall, a former slave. Jessie Chickering, *Statistical View of the Population of Massachusetts, from 1765 to 1840* (Boston: Charles C. Little, 1846), 124.

<sup>63</sup> For example, “in 1715 Massachusetts had a population of 96,000 whites and 2,000 blacks; South Carolina had 6,250 whites and 10,500 Blacks.” Reiss, 67.

<sup>64</sup> 1754 Slave Census of Massachusetts, 17. Greene errs in his reading of the 1754 census: he listed the returns for Scituate as 0, and for the town of Plymouth, which did not respond to the query, as 43. The results of the survey may have been further skewed by the fact that Bridgewater, Rochester and Plymouth, the three towns in Plymouth County which did not submit returns in 1754, had large Negro populations later on in the 1790 census. The towns in Plymouth county which did respond in 1754 were: Marshfield with 17 m/8 f; Plympton 6/3; Pembroke 6/4; Abington 5/2; Kingston 3/3; Hanover 8/9; and Halifax 2/2.



Therefore, this data qualifies Deane's contention that Scituate had a "large" Negro population. It was "large" only within the context of the "Old Colony." Thus Greene's thesis, that the small slave population in New England allowed them to be treated more like white indentured servants than like the Negro slaves in the South, would apply to Scituate. Furthermore, Scituate slaveholders, on average, owned only one to three slaves each, and these slaves lived in the family household. This data also supports Greene's contention that because Negro slaves were considered to be part of the Puritan family, the intimate living conditions helped to mitigate the harsh reality of slave life. Most importantly, in Scituate, as in most other towns in New England, the institution of slavery was closely scrutinized by the Puritan magistrates, which helped to mitigate the physical and spiritual conditions under which northern slaves labored. This high standard of moral and legal accountability, combined with Scituate's relatively small slave population and their scattered distribution among individual Puritan families, suggests that Greene's benign slavery thesis would apply to the town of Scituate.

In Chapter Two we will look more closely at Scituate's history to identify the slaveowners as well as the slaves, and wherever possible, examine the details of their lives to determine just how "benign" slavery was in this rural New England town.





## CHAPTER 2

### SLAVERY IN SCITUATE, PLYMOUTH COLONY IN THE SEVENTEENTH CENTURY: A FLEXIBLE SERVITUDE

In the previous chapter we outlined the origins and dimensions of Negro slavery in New England, and examined the conflict of conscience that arose between the stalwart Puritans and the growing mercantile class, particularly in the Colony of Massachusetts Bay. Now we will examine the issue of slavery in Scituate, in the Pilgrim Colony of Plymouth. Plymouth Colony, also known as the Old Colony, was an independent colony until 1685-6 when James II divided it into three counties--Plymouth, Bristol, and Barnstable --and placed it under the jurisdiction of Sir Edmond Andros. In 1690 it applied for a new charter, which was denied, and it was incorporated instead into the larger, more prosperous Massachusetts Bay Colony.<sup>1</sup>

Although the terms “Puritan” and “Pilgrim” are often used interchangeably, the terms are not synonymous. The Puritans of Massachusetts Bay, led by Gov. John Winthrop, were laboring for the purification of the Established Church of England. The Pilgrims of Plymouth were separated from the Established Church. They were non-conformists claiming “entire freedom of conscience” and their first settlement at Plymouth was “without charter, protection, or encouragement.”<sup>2</sup> The Pilgrims relied on

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<sup>1</sup> Marilyn Anne Lavin, “The Negroes of the Old Colony,” (Master’s Thesis, Columbia University, 1963), 21.

<sup>2</sup> Herbert M. Sylvester, *Indian Wars of New England* (Boston: W.B. Clarke, 1910), 21-22.



“Scripture, the Mosaic code in particular, as legal writ,” but by 1636 the old framework of government had become inadequate, and so it expanded to include representatives from the new towns of Duxbury and Scituate, “which contained many exemplary Saints.” The right to vote was restricted to freemen, and freemen had to be church-members.<sup>3</sup>

Church membership was restricted to those who had been “converted” and “owned the covenant.” Although these standards were applied more liberally in Plymouth than in Massachusetts Bay, in that periodically the Plymouth magistrates would urge masters to catechize even their young servants in order to bring them into the church,<sup>4</sup> the requirements for church membership were “rigorous” throughout Massachusetts. New Englanders, in comparison with colonists in other parts of America, were a “remarkably homogeneous” group “who came from the middle ranks of their society, and traveled in family groups. The heads of the families tended to be remarkably literate, highly skilled ... they were a people of substance, character, and deep personal piety.”<sup>5</sup> The ministers were highly educated men.<sup>6</sup>

In many respects, Plymouth Colony was a more tolerant place than its sister colony, Massachusetts Bay. The criminal code was simple and “remarkably humane” for its time. Unlike their neighbors in Massachusetts Bay, the people of Plymouth Colony “never

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<sup>3</sup> George F. Willison, *Saints and Strangers* (New York: Time, 1964), 343.

<sup>4</sup> John Demos, *A Little Commonwealth: Family Life in Plymouth Colony* (New York: Oxford University Press, 2000), 8-9, 108.

<sup>5</sup> David Hackett Fischer, *Albion's Seed: Four British Folkways in America* (New York: Oxford University Press, 1989), 21, 31.

<sup>6</sup> For example, The Reverend Charles Chauncey was installed as pastor of the First Parish Church of Scituate in 1641 and left in 1654 to become the second president of Harvard College; Henry Dunster, the first President of Harvard, removed to Scituate in that same year and preached until his death in 1659. *Church Manual of the first (Trinitarian Congregational) Church of Christ in Scituate, Massachusetts* (Boston: William Damrell, 1844), 5-6.



hung a witch,” nor did they execute a Quaker or other heretics.<sup>7</sup> In fact, Scituate residents General James Cudworth and Timothy Hatherly openly defied the magistrates of Boston by speaking out against the persecution of Quakers and Baptists. In the two witchcraft cases in the Old Colony, in 1660 and 1661, the accused women were both acquitted.<sup>8</sup> Nor was the Old Colony government unresponsive to the rights of women. As John Demos explains: “In Europe at this time a wife was quite literally at the mercy of her husband: his prerogatives extended even to the random use of violence. But clearly this was not the situation in Plymouth.” For example, in 1665, Elizabeth, the wife of John Williams Jr. of Scituate, was allowed a formal separation because of her husband’s “abusive and harsh carriages toward her.”<sup>9</sup> However tolerant Plymouth Colony was for its time, there certainly were restrictions in place; no one was permitted to live in the colony without permission of the authorities, and many a “stranger” was “warned out.”<sup>10</sup>

The term “stranger” could mean that the person was a foreigner, or it could refer to anyone outside the Church of Christ.<sup>11</sup> Although there were a few “strangers” (foreigners and non-Congregationalists) living in Scituate in the early seventeenth century, there is no evidence of Negroes living there before 1673. However, there may have been a Negro in Plymouth Colony as early as 1633. In that year, “some Indians in Plymouth upon

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<sup>7</sup> Willison, 344-345.

<sup>8</sup> Jack Frost, ed. *Immortal Voyage and Pilgrim Parallels: Problems, Protests, Patriotism 1620* (North Scituate: Hawthorne Press, 1970), 24-26.

<sup>9</sup> Demos, 94-95

<sup>10</sup> “Warning out” in Scituate dates back to 1667 when it was voted that “if any person should entertain a stranger after being admonished by a committee appointed for that purpose, he should be punished by a fine of 10 shillings for each week.” Josiah Henry Benton, *Warnings Out in New England, 1656-1817* (Boston: W.B. Clarke, 1911), 27.

<sup>11</sup> For example in 1724 William More, “a Stranger from Ireland,” was baptized in Scituate according to *Scituate, Massachusetts, Second Church Records (In Abstract) 1645-1850* (Boston: Litchfield, 1909), 362.





seeing a blackamore in the top of a tree looking out for his way which he had lost ... and being near to the plantation they posted to the English and entreated them to conjure this devil to his own place; who finding him to be a poor wandering blackamore, conducted him to his master.”<sup>12</sup> Ten years later, (in August of 1643) a man referred to as “the blackamore”<sup>13</sup> appears on the “Able to Bear Arms” list for the town of Plymouth. The entry, “Abraham Pearse, the blackamore,” has given rise to much controversy.<sup>14</sup>

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<sup>12</sup> According to Wood's *New England Prospect* (1634) 77, as quoted in L. Vernon Briggs, *History and Genealogy of the Briggs Family* (Boston: Goodspeed, 1938), 9.

<sup>13</sup> Englishmen commonly used “blackamore” and “Ethiope” to refer to Africans. Gretchen Gerzina, *Black London: Life Before Emancipation* (New Brunswick, NJ: Rutgers University Press, 1995), 5.

<sup>14</sup> Evidently, Abraham Pearse and the blackamore were not one and the same man, but two different men, “Abraham Pearse,” and “the blackamore.” Eugene Aubrey Stratton, *Plymouth Colony Its History & People 1620-1691* (Salt Lake City: Ancestry, 1986), 187. Stratton posits that “the blackamore” who was in Plymouth in 1643 could have been the servant named “Hercules” who in March of 1643/4 sued his master, William Hatch of Scituate, regarding the length of his service. Stratton's hypothesis that Hercules may have been a Negro is based on the fact that Negro slaves were usually known by only one name, oftentimes a classical name such as Hercules. Stratton argues that because no “Hercules” appears on the list of men ATBA in Scituate in 1643, he may have been the nameless “blackamore” who was recorded that same year in the nearby town of Plymouth. Stratton, 439. But a careful reading of the Scituate 1643 ATBA list shows that although there is no “Hercules” listed, there is a “Harke Luse,” possibly a phonetic transcription of the name “Hercules,” which is recorded directly below the names of Hercules’ master, William Hatch. In any event, Hercules was freed from servitude in 1644; in January 1645 a “Hercules Hill” took the Oath of Fidelity in Scituate; and in August of that year he and seven other men from Scituate went forth on the Narragansett Campaign. *Records of the Colony of New Plymouth (1620-1691)*, Nathaniel B. Shurtleff and David Pulsifer, eds., vol. 2 (Boston: 1855-1861), 69, 90; vol. 8, 183. Hill evidently returned to Kent, England and sold his “Scituate plantation in 1666,” (an unlikely scenario for a blackamore.) James Torrey, “History and Description of Scituate, Mass. 1815,” *Collections of the Massachusetts Historical Society*, 2 ser., 4 (Boston, 1814): 213. The latest development in this so-called “Black Pilgrim” controversy is that the original entry reads “Wm blackamore” not “the blackamore.” Jeremy Bangs, *Seventeenth-Century Town Records of Scituate* (Boston: NEHGS, 2002), vol. 3, 109. However, William Blackmer (or Blackmor) did not arrive in Scituate until 1665. Samuel Deane, *History of Scituate, Massachusetts from its First Settlement to 1831* (Boston: James Loring, 1831; reprint, n.p.: Scituate Historical Society, 1975), 221.



Although the identity of the blackamore has not been proven, it does seem plausible that a “blackamore” named after his master, “Abraham Pearse,” eventually left the town of Plymouth and moved to that area of Scituate which later became Pembroke. In fact, there has been a black family named Peirce in Pembroke for generations, and local tradition has it that during the 1640s a Negro explored the North River in Scituate (later Pembroke).<sup>15</sup> Besides the elusive “blackamore,” however, there was one other Negro known to be in the Plymouth area in the mid-seventeenth century.

In August 1653 a “neager maide servant” of John Barnes accused John Smyth Sr. of receiving various items of her master’s “in a purloining way.” Both the Negro servant and the white freeman were cleared by the court of wrongdoing.<sup>16</sup> The Negro “maide” and the “blackamore” may have been indentured servants, not slaves, but there were in fact Negro slaves in the Old Colony. Capt. Thomas Willet of Plymouth owned eight Negro slaves at the time of his death at Swansea (near Rhode Island) in 1674. Willet, a wealthy merchant, had strong trading ties with New Amsterdam,<sup>17</sup> suggesting that the Dutch were the source of his slaves.<sup>18</sup> John Dicksey, also of the town of Plymouth, owned

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<sup>15</sup> Richard L. Erlich and James W. Baker, “Abraham Pearse of Plymouth Colony,” *The Mayflower Quarterly* (May 1983), 62.

<sup>16</sup> *Records of the Colony of New Plymouth (1620-1691)* vol.3, 27,39. More significantly, this case set a precedent; “from 1653 Plymouth Courts allowed and accepted the testimony of Negroes in the trials of white citizens. Lavin, 6-7.

<sup>17</sup> According to the 1659 document, *Secret Workes of a Cruel People Made Manifest*, Captain Willet, a Plymouth Magistrate, “was the cause of these sufferings, by incensing the Dutch Governor with several false reports of them that are called Quakers.” One of the Quakers was sentenced “to work two yeers at a Wheelbarrow with a Negro.” When the Quaker refused, “they caused a Negro to beat him...til he fell down twice as one dead.” Bangs, vol.3, 405.

<sup>18</sup> Lavin, 9. John Saffin was Willet’s heir. In 1689 Saffin had “8 Servants,” who may have been the Negroes whom he inherited from Willett. “Census of Bristol in Plymouth Colony, Now in Rhode Island, 1689,” *NEHGR*, vol.34 (1880): 404.



a Negro woman called Malle; Edward Winslow of nearby Marshfield is said to have had so many Negro servants that, contrary to custom, they “supped apart from the family proper.”<sup>19</sup> Isaac Little had at least four Negro slaves in 1699. Although the origins of these first Negroes in Plymouth Colony are not known, Dicksey’s, like Willet’s, could have been brought in from the large slave population in New Amsterdam. Barnes’ maide may have come from the Caribbean as part of the exchange of Indian captives of war.

In 1646, in the aftermath of the Pequot War, the magistrates of Plymouth Colony decided to weed out those “lawful captives” who seemed to be most dangerous. Indians were selected either “to serve or to be shipped out.” Indians were also enslaved after King Phillip’s War.<sup>20</sup> Once again, Indians who were deemed to be more hostile were shipped out and exchanged for more compliant Negroes from the Caribbean. Winslow’s and Little’s Negro slaves could well have been procured during this period which saw “a definite increase in Plymouth’s bound, non-white population.”<sup>21</sup> Whether these Negroes came directly to Plymouth Harbor, or to the larger port of Boston, is not known.

Surprisingly, Donnan’s *Documents of the Slave Trade*, the most comprehensive work on the history of the slave trade in New England, does not mention even one slave ship or slave-ship master from Scituate or its environs. However, both William Vassall

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<sup>19</sup> Demos, 110,111.

<sup>20</sup> For example, several Indians were purchased by Jonathan Hatch of Scituate from the Indian fighter, Capt. Benjamin Church of Marshfield. In June of 1679, two of these Indians, a woman and her husband, were purchased back from Jonathan Hatch by the woman’s brothers. The court ordered that the third Indian, “it being young,” abide with Hatch until it reached age 24 and then “to be released for ever.” *Records of the Colony of New Plymouth Colony (1620-1691)* vol.1, 71; vol.6, 14-15.

<sup>21</sup> Lavin, 11. Lavin finds that between 1620 and 1674 there were 23 white, 2 Indian and 9 Negro “servants” in Plymouth Colony. Between 1675 and 1700 the ratio had shifted: there were 11 whites, 32 Indians and 45 Negro “servants” laboring in the colony.





and John Saffin, who lived in Scituate in the 1600s, had a vested interest in slavery. The only other allusion to the slave trade comes from a local historian who notes that in “1681 the barque *Adventure* of forty tons sailed from North River for the West Indies. She was owned by Scituate and Marshfield people.” Most likely the *Adventure* did not bring back slaves to Scituate Harbor. Scituate was a “small tide harbour, difficult of access, and seldom visited, unless from distress of weather.”<sup>22</sup> Surprisingly, there is little evidence that Scituate was actively involved in the slave trade, even though over one thousand ships were built on the North River. Nor is there evidence that the Negroes in Scituate were employed in the maritime industry, despite the fact that “approximately 25 percent of Negro slaves in coastal Massachusetts were experienced in shipboard work.”<sup>23</sup> In fact, during the seventeenth century Scituate employed more Indians than Negroes in the shipbuilding trades.<sup>24</sup>

Only four references to Scituate Negroes involved in the maritime trades have been found. The first is an advertisement in the *Boston News Letter* of 1714: “Ran away from

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<sup>22</sup> Torrey, 227. The owners have recently been identified as: Samuel Clapp, Thomas King, Theophilus Wetherell, John Wyburne of Scituate, and Ephraim Little and John Rogers of Marshfield. Bangs, vol.3, 102. King and Rogers were slaveowners.

<sup>23</sup> W. Jeffrey Bolster, *Black Jacks: African American Seamen in the Age of Sail* (Cambridge: Harvard University Press, 1997), 7.

<sup>24</sup> For example, among the debts listed in John James’s inventory in 1679 were amounts “payed to Ezra Pease, an Indian; and to John Indian that wrought about the shipp.” In 1687 the town of Scituate paid wages to Saul, Indian, and in 1690 to John, Indian. Bangs vol.3, 295. Peter Collamore Sr.’s inventory of 1684 included: “One quarter of a sloop and time in a servant.” *Plymouth Colony Probate Records (1620-1692)* transcribed by Ann Yentch (Littleton, MA: Inferonics, 1990), IV, 64-65; IV, 144. Note that this “servant” was not a slave; his time, not his body, was owned by Collamore. He was an English indentured servant named William Clift. Deane, 240. Also, Tom Bailey, an Indian and former servant of Capt. Williams, went “off to sea,” in 1695. Plymouth County Probate Records [hereafter PCPR] 1, 295. Williams’ Indian boy, George, was left in the care of Anthony Collamore to be apprenticed to “som good [ship] Master.” Bangs, vol.2, 16.



his Master...A mulatto man named Daniel formerly belonging to Edward Wanton of Scituate; he is indifferent, tall and slender, by trade a shipwright but 'tis thought he designs for Sea."<sup>25</sup> Wanton, a ship's carpenter, was still looking for Daniel in 1716. The 1747 inventory of Joseph Briggs Jr. lists his property as "Books, Negroman, Sloop and Sheep at £554," however it is not clear whether the "Negroman" worked on the "sloop" or tended to the "sheep."<sup>26</sup> The only other pieces of evidence of blacks from Scituate working in the maritime trade are two death records: Prince Freeman Jr. (Negro) "died at sea on August 26, 1830 at age 22," and "Allen, a colored man, [was] lost at sea" in 1825.<sup>27</sup> However, the 1747 narrative of Briton Hammon, a slave of General Winslow's from across the river in Marshfield, does confirm that at least two local blacks, Hammon and his "mulatto" shipmate, Moses Newmock, did indeed go to sea.<sup>28</sup>

If Scituate slaves were not employed in the local shipbuilding industry, they were probably assisting the planters. Farming was the foremost occupation in Scituate, but most yeomen could not afford to buy slaves. For a few families such as the Vassalls,<sup>29</sup>

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<sup>25</sup> L. Vernon Briggs, *History of Shipbuilding on the North River* (Boston: Coburn Bros., 1889), 219. Note Daniel's skilled job and his evident freedom of movement.

<sup>26</sup> PCPR, 10, 517.

<sup>27</sup> *Vital Records of Scituate Massachusetts to the Year 1850* (Boston:NEHGS, 1909) vol. 2, 390, 243. Hereafter noted as *SVR*.

<sup>28</sup> *A Narrative of the Uncommon Sufferings and Surprising Deliverance of Briton Hammon, a Negro Man,---- Servant to General Winslow of Marshfield, in New England* (Boston: Green and Russell, 1768), 6. Reprinted in Pattie Hainer, *Draft Report: The Black Community of Scituate-Norwell 1638-1800* (n.p.,1995). Moses Newmock may have been related to Silas Nummock, "Indian," who was living in Scituate in 1750. *SVR*, vol. II, 212.

<sup>29</sup> The Vassalls were among the largest slave-holding families in Boston. William Vassall was "sometimes one of the assistants of the Massachusetts, but now of Scituate in Plymouth jurisdiction, a man of busy and factious spirit, and always opposite to the civil governments of this country and the way of our churches," (as was slave-owner and opponent of Puritan policy, Mr. Samuel Maverick). *Winthrop's Journal: "History of New England," 1630-1649*, John Kendell Hosmer, ed. (New York: Scribner, 1908), 271.



slaves may have been less a matter of necessity than a matter of propriety. The Vassalls lived in Scituate on a 150 acre tract of land along the river called Belle House Neck, but they eventually moved to Barbados where family life was “one of lavish magnificence, combined with the crudest service. English visitors were shocked by the attire of the Negro servants, who waited on tables loaded with silver plate, in the scantiest of clothing, and that often in tatters.” Whether or not the Vassalls had slaves like this in their Scituate home is not known for certain. Only their daughter, Judith, remained in the area.<sup>30</sup> John Saffin also lived in Scituate for a few years (ca. 1645-7) then left his home near Little Musquashcut Pond, and relocated to his plantation in Swansea.<sup>31</sup> Both Vassall and Saffin left Scituate to pursue their slave-trading elsewhere. However, by the end of the seventeenth century, twelve other Scituate families did own slaves: 16 Negroes (including 2 infants), 1 mulatto, and 7 Indians.<sup>32</sup>

Twenty-four slaves may not seem to be a significant number. However, there were only 45 Negro and 32 Indian slaves in the entire bound labor force of Plymouth Colony from 1675 to 1700, making Scituate the largest slave-holding town in the Old Colony.<sup>33</sup>

An attempt to identify all the slaves in Scituate has been only partially successful because

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<sup>30</sup> Judith Vassall and her husband, Resolved White, removed to Marshfield, nearer to the home of his brother, Peregrine White. *Old Scituate*, (Norwell, MA: Chief Justice Cushing Chapter, DAR, 1921, Second Edition, 1970), 32, 33. White’s stone wall at the foot of Snake Hill was reportedly built by slaves. *Marshfield: The Autobiography of a Pilgrim Town* (Marshfield: Tercentenary Committee, 1940), 100. Whether slaves were part of Judith’s dowry is not known, but local lore has it that in the Scituate/Marshfield area the name “Vassall” died out except among “the line of sable dependents who had assumed the name of their masters.” *Old Scituate*, 34

<sup>31</sup> Harvey Hunter Pratt, *The Early Planters of Scituate* (n.p.: Scituate Historical Society, 1929), 236.

<sup>32</sup> Lavin, 12. Lavin found a total of 20 slaves (13 Negroes and 7 Indians) owned by twelve Scituate families.

<sup>33</sup> Lavin, 11. Lavin’s approach, however, is statistical; she lists few slaves’ names.





of the fact that many inventories list only the value, not the names, of the slaves.<sup>34</sup> Of Scituate's twelve slave-owning families, William Randall owned five slaves--a Negro and four Indians; Capt. John Williams owned a Negro and three Indians and employed a fourth Indian as a servant. The Briggs family (Walter, Frances, Capt. John and Cornelius) owned two Negro adults and a child. John Booth owned a Negro child and probably the child's parents as well. Capt. Joseph Silvester owned two adult Negroes, and Anthony Dodson, Christopher Winter, Elder Thomas King Sr., Richard Dwelly, Capt. Anthony Colamor, and Deacon William Holbrook, owned at least one Negro slave each. The one mulatto slave was owned by Matthew Gannet. Seven of these slaveowners died prior to 1689; consequently, only five of the sixty-two men on the Scituate Freeman List in 1689 were slaveowners. Some of the slaveowners, such as Captains Collamore and Williams, were extremely wealthy. Many slaveowners, such as Elder King and Deacon Holbrook, were pillars of the church; a few of them were not. Williams was an abusive husband and a harsh master; Gannett and his son refused to attend a hearing regarding the son's bastardy case; and Winter was undoubtedly guilty of incest with one and perhaps two daughters, and was excommunicated from the church.<sup>35</sup>

The influence of religion on the treatment of their slaves by some of the first generation of slaveowners is strongly suggested in the fate of the first slaves in Scituate.

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<sup>34</sup> The fact that slaves in Massachusetts were considered to be property as well as persons was not appreciated by even some local twentieth-century historians, who claimed that "Slavery in Massachusetts was never the terrible man-destroying institution which existed in the South in 1860. The slave in the latter section was a thing, a chattel, not a person." Jedediah Dwelley and John F. Simmons, *History of the Town of Hanover, Massachusetts* (Hanover: Published by the town, 1910), 185-6.

<sup>35</sup> PCPR, vol I: 4-5, 41, 61-62, 78, 98, 120, 122, 131-136, 147, 182, 185, 202, 206, 217, 258, 311. Bangs, vol.3: 113, 359, 488, 580; vol. 2: 25.



James Newell, Robert Traves, and Frank Negro first appear in the public record as free men. Additionally, Walter Briggs and his son proposed a limit on the term of service of their slave Mariah; Elder King freed his slave, Robben; the widow Dwelly evidently released her husband's slave, Francis, from bondage; and widow Booth posted bond for her husband's slave, Peter Choyce. What is most intriguing, and unanswerable, however, is why some families, such as the Stetsons, never owned slaves, while by 1701 other highly respected and well-to-do families such as the Cushings were beginning to acquire slaves.

Although Scituate enslaved the greatest number of Negroes in the Old Colony, it could be a model for a case study of the judicious application of Massachusetts law. As both Greene and Higginbotham argue, Massachusetts blacks benefited more from the due process of law than blacks in any other American colony.<sup>36</sup> Negro slaves in New England had distinct legal advantages over their counterparts in the South: they were recognized not only as property but as persons under the law. As persons, slaves could "acquire, receive, hold and transfer property," and in Massachusetts, Negro slaves could initiate lawsuits.<sup>37</sup> A slave could sue a master for mistreatment "either on his own motion or through his *prochein ami*."<sup>38</sup> Negro slaves could also testify against white persons, as for example in the early case of the Negro maidservant of John Barnes who testified against

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<sup>36</sup> Lorenzo J. Greene, *The Negro in Colonial New England* (New York: Columbia University press, 1942; reprint, New York: Atheneum, 1971), 179. A. Leon Higginbotham, *In the Matter of Color: Race and the American Legal Process: The Colonial Period* (Oxford: Oxford University Press, 1978), 72.

<sup>37</sup> Greene, *NCNE*, 167, 177. Although Greene did survey the court records of the Old Colony, he did not include the later records of Plymouth County (1692-1790). The later records contain many cases which support both Greene's and Higginbotham's theses.

<sup>38</sup> Greene, *NCNE*, 182. Note: The legal term "*prochein ami*" [*sic*] refers to "a person who appears in a lawsuit to act for the benefit of an incompetent or minor plaintiff, but who is not a party to the lawsuit and is not appointed as a guardian." *Black's Law Dictionary*, 7th ed., Byran A. Garner, ed., (St. Paul, MN: West Group, 1999), 1665.



a white freeman. They could also expect to receive “the same judicial procedure and protection in criminal cases as did white persons.”<sup>39</sup>

For example, Robert Trayes, a free Negro of Scituate, shot and killed a white man, Daniel Standlake, in 1684. Josiah Torrey, age twenty-five, testified that while Trayes was out visiting the Standlakes (a white family) one evening, Mrs. Standlake had warned him to be careful with the gun and not shoot it in the house. The gun was discharged after Trayes went out the door, wounding Daniel Standlake in the leg; the limb was later amputated and that led to Standlake’s death soon afterwards. Trayes was found, by the all-white jury, to have been “an instrument of death by misadventure,” for which he was sentenced to pay a fine or to be whipt. He was admonished to “lay it much to hart that one should lose his life by him [*sic*].”<sup>40</sup> Trayes appears to have received a just sentence. Indians such as Sam Bab and John Mohauke, who were convicted in 1682 of a felony against John Williams, and Will, Indian servant to Capt. John Williams, who was convicted of breaking into the cellar of Thomas Coleman and stealing his rum,<sup>41</sup> also received equal treatment under the law.

The sentences for Indians and Negroes in these cases were similar to those for whites. However, there were exceptions. In 1686 when “John Negro, a slave of Capt. John Williams [was convicted] by his own confession for burglary in breaking [into] his said Master’s house in the night and stealing mony, he was sentenced to stand on the

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<sup>39</sup> Greene, *NCNE*, 179, 184.

<sup>40</sup> *Records of the Colony of New Plymouth in New England (1620-1691)* vol.6, 142.

<sup>41</sup> Helen T. Catterall, ed., *Judicial Cases Concerning American Slavery and the Negro* (New York: Octagon Books, 1968), 475, 478. In 1695 “Will, Indian” left his estate, bequeathed to him by [his] “late Captain, John Williams” to his friend John Cudworth; PCPR, vol.3, 220.





gallows an hour and be burnt in the hand with the letter B” and pay for the related charges.<sup>42</sup> However, just one month previously, a young white man, Nathaniel Parker, was convicted of the same offense but received a milder sentence--a fine or whipping. In 1700, John, a fifteen year old Indian servant to Joseph Randall, was also branded with the letter “B” on his forehead and sentenced to serve the complainant, Elisha Holmes, for six years.<sup>43</sup> Tellingly, although Capt. Williams left his farm to his “ancient servant John Bayley,” and some land to his Indian servant Tom Bailey, and provided an estate for the two Indian boys, George and Thomas, whom he captured during King Philip’s War, he made no provisions for John, his Negro.<sup>44</sup> .

Besides John, the slave of Capt. Williams, and the free man Robert Traves, several other Negro men were also living in Scituate in the 17th century. The first Negro male in Scituate was probably Jemy, “the Neger servant” of Walter Briggs. In 1676, Briggs willed to his wife Frances “a gentle hourse or mare to ride to meeting...and that Jemy, ye Neger, catch it for her.”<sup>45</sup> Although nothing more is known about Jemy, he may have had descendants.<sup>46</sup> Other 17th century Negroes in Scituate include a “Negro servant” of Anthony Dodson, whom he bequeathed to his widow Mary Williams Dodson in 1682; “Neger, a man servant” of Christopher Winter, who was left to his daughter Martha Huett in 1683; and two “Negro servants” of Capt. Joseph Silvester, who were left to his widow Mary and his son Joseph in the inventory of his estate in March 1690/1. Peter, the “Negro

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<sup>42</sup> *Plymouth Court Records 1689-1859*, David Thomas Konig, ed. (Wilmington, DE: Michael Glazier, 1979), vol.1: 189.

<sup>43</sup> *Bangs*, vol.3: 489-490, 510.

<sup>44</sup> PCPR, vol.1: 202, 206.

<sup>45</sup> PCPR, vol.1: 134-135.

<sup>46</sup> A Joshua *Jemy* appears in later town records, suggesting that a patronymic was used.



servant” of William Randall, was left to his son William in 1693, and the “Indian girl named Joan” to his son Isaac. The fate of the other three Indian slaves listed in the inventory, “Ben, Robon and Jono,” is unknown. A year later, a “mulatto servant” was listed as part of the inventory of Matthew Gannet, and a “Spanish Indian servant for his life” (a slave from the Spanish West Indies) was listed in the inventory of Capt. Anthony Collamore. However, Robben, the “Negro servant” of Elder Thomas King, a Deacon of the First Church, fared better than his fellow Negro slaves. According to King’s will in 1691, he was “to be set free from servitude,” and given his bedding plus five pounds.<sup>47</sup>

Interestingly, none of the Negroes listed as chattel in the inventory of personal property were actually called “slaves” in the public record; they were called “servants” or just listed as the “Negro of” someone, even on private bills of sale. The use of the term “slave” is very rare in Scituate records; in fact, the term “slave” is found only once in the records before 1731. This would seem to support Greene’s thesis that the bondsman, “in keeping with the custom of the Hebraic family was usually referred to as servant, rarely as slave.”<sup>48</sup> Puritans may have been so uncomfortable with the concept of slavery that they couched the fact in more socially acceptable terms. The only Negro identified specifically as a “slave” in seventeenth century Scituate, was the infant “Petter Choyce,” whose birth record in 1699 unequivocally identified him as a “slave” of John Booth.<sup>49</sup>

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<sup>47</sup> PCPR, vol.1: 4-5, 61, 78, 122, 182, 185 214, 217.

<sup>48</sup> Greene, *NCNE*, 168. Note: Lavin argues conversely that the term “slave” was “merely a general term of derogation without legal meaning.” However, Scituate records support Greene’s interpretation that the term “servant” was used, even when a Negro was being bought or sold. In some cases the term “servant or slave” is used, reflecting either the confusion of the scribe, or the discomfort of the owner.

<sup>49</sup> *SVR*, I, 68. Booth probably owned the child’s mother. “Peter, the Negro servant” listed in the inventory of William Randall’s estate in 1693, may have been the father.



Little is known about the other Negro men in Scituate in the seventeenth century. As for the Indians in service to the Colonists of the Old Colony, their numbers dwindled in the aftermath of King Phillip's War, when almost all hostile Indian males were removed. The number of Indian males in the colony decreased at the same time that the number of Negro males increased. Conversely, there were free Indian women eligible for marriage but almost no free Negro women. Consequently, interracial marriages begin to be seen in Scituate in the late seventeenth century. For example, an "Indian squaw" named Margery arranged an indenture of her son Sam, "a mulatto,"<sup>50</sup> in 1697 for a term of eighteen years with Joseph Randall.<sup>51</sup> Margery's husband was evidently a Negro. Two other Negro men who married white women can be traced into the eighteenth century -- "Frank Negro" and James Newell.

Although Twombly and Moore found no evidence that racial intermarriage, made illegal in Massachusetts in 1705, was practiced prior to that time,<sup>52</sup> two such unions existed in eighteenth-century Scituate, the Newells and the Franks. According to Deane, Mary White had "the singular fancy to marry her slave James Newell."<sup>53</sup> Although no record of the Newell/White marriage has been found, the records of Plymouth Court show that in March of 1688/9, "James Newell, *Negro*" and *his wife* [emphasis mine] Mary were bound over on the charge of fornication, and fined. They paid 48 shillings "in part of a £5 fine."<sup>54</sup> The Newells were punished for their pre-marital sexual relations, not

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<sup>50</sup> The term "mustee" is not found in Scituate records.

<sup>51</sup> Bangs, vol. 1, 269. The will of Joseph Randall in 1720 lists an "Indian manservant, Samuel Harry," as well as Waitstill, an "Indian maidservant for life." *PCPR*,

<sup>52</sup> Twombly and Moore, 230.

<sup>53</sup> Deane, 314.

<sup>54</sup> *Plymouth Court Records*, vol. 1, 200. A £5 fine was the norm. For example, in March 1679/80 four married couples were fined for "comitting fornication before marriage."





the miscegenation, which was not outlawed until 1705. Two years prior to the Newell's court appearance, a white couple from Scituate, John Dwelly and his wife, had also been ordered to pay a fine of £5 each, "or be publicly whipped," for fornication before marriage."<sup>55</sup> However, when pre-marital relations resulted in the birth of an illegitimate child, especially a mixed-race child, the punishment could be much harsher.<sup>56</sup> For example, in 1678 Ruth Everett of Scituate was convicted of having given birth to a "bastard" child who, "by the complexion appears to have been begotten by an Indian." Ruth was sentenced to be whipped-- fifteen lashes in Plymouth where the trial was held, and fifteen lashes in her home town of Scituate on "some Publique Day."<sup>57</sup>

Greene argues that because "the increasing number of mulattoes ... caused alarm among Puritan advocates of racial purity," a law was enacted in 1705 "designed to stop promiscuous sex relations between Negro men and white women." If convicted of this crime, both parties were to be severely whipped; the man was to be sold out of the province within six months, and the woman was to support any child born of the union or be bound out to service for the child's maintenance.<sup>58</sup> Prior to this legislation, however, the banishment was evidently not in effect. For example, in 1698 "Jo a Negro servant" to William Holbrook of Scituate received ten stripes for "committing fornication with Sarah

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Three of these couples received £5 fines; the other couple, an Isacke Negus and his wife, were fined only £4. *Records of the Colony of New Plymouth in New England (1620-1691)*, vol.8, 154.

<sup>55</sup> *Plymouth Court Records*, vol.1,189.

<sup>56</sup> Note: Cases of bastardy were more severely punished than cases of pre-marital sexual relations. Marriage was concerned with business and inheritance of property, and fell under the jurisdiction of the magistrates; in fact, the clergy were not permitted to perform marriages until 1686. Greene, *NCNE*, 191-2.

<sup>57</sup> Cynthia Krussell, *Plymouth County 1685* (Plymouth: Pilgrim Society, 1985), 48.

<sup>58</sup> Greene, *NCNE*, 208.



Curtice [a white woman] of Scituate.” Sarah, who bore a “Bastard Child,” was sentenced to pay a fine of 50 shillings, or be whipped; she paid the fine with the 50 shillings she received from Jo.<sup>59</sup> Jo appears to have remained in Scituate.<sup>60</sup>

By 1716 the punishment for miscegnation was harsher for the white woman. Sarah Boyce, “late of Scituate, now of Pembroke, Singlewoman” was ordered to be “publically whipped 10 stripes” for two offenses: having a bastard child by Squire, a Negro man, in 1716, and another illegitimate child by Richard, a Negro man of Marshfield, in 1722. When in December 1701 Abigail Standlake had accused Jabez Rose of being the father of “a bastard child lately born of her body,” he was ordered to make payment for the support of the child.<sup>61</sup> Neither of these white people were whipped. Even though Mary Newell had borne a mulatto child, the child had been “legitimate,” that is, a child conceived before marriage but born after; she and her husband were fined, not whipped. However, other factors may have been at work at the trial of James and Mary Newell.

Mary Newell came from a wealthy and prominent family in Scituate; her grandfather, Gowin White, planter, was one of the original Conihasset partners. He married Elizabeth Wade, the servant of Timothy Hatherly, in 1638, and purchased a “considerable farm” on the south side of Dwelley’s creek in 1650. It was his son Joseph’s daughter, Mary White, born May 25, 1671, who married James Newell. Tradition speaks of him as a respectable man.”<sup>62</sup> The origins of James Newell are unknown; no family of that name is recorded in Scituate prior to the birth of James Newell’s first child, Jerusha

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<sup>59</sup> *Plymouth Court Records*, vol. 1, 226.

<sup>60</sup> The inventory of Deacon William Holbrook’s estate in July 1699 lists “a Negro man” valued at 26 pounds. PCPR, vol. 1, 311.

<sup>61</sup> *Plymouth Court Records*, vol. 2, 36; 1, 258.

<sup>62</sup> Deane, 382-383, 314.



Newell, in September, 1691.<sup>63</sup> To date, no proof has been found that either Gowin White or his son Joseph White ever owned slaves. However, the family of Joseph's wife, Mary Rogers, who came from the section of Scituate known as "The Two-Mile" (now part of Marshfield), did own slaves.

Perhaps Mary White met James Newell across the North River at her maternal grandparents' home, or there could have been a connection between the White family and the family of "Increase Newell of Cambridge. Newell, Secretary to the General Court of Massachusetts" met at Plymouth in the spring of 1650 with John Hoar of Scituate, to discuss a land transaction between Josias Wampatuck, and the Conihasset Partners.<sup>64</sup> Gowin White, a neighbor of John Hoar, and a Conihasset partner himself, could have struck up a friendship with the Newell family which his granddaughter, Mary, continued. In any event, Mary's father may have disowned her because he does not list her in his will of 1711. Yet, she and her husband James Newell were well off; they purchased land together in 1710 and 1717 and upon his death in 1719 he owned a "mansion house and about three acres of land with Orchard and fences" valued at £130. Newell's total estate was worth an impressive £371 at the time of his death.<sup>65</sup>

It is evident that Mary White's social status influenced the way in which her offspring were perceived. In a rare departure from standard procedure, the Scituate town clerks who registered the births of the eight children born to James Newell and his wife Mary, from 1691 to 1706/7, never once mentioned the race of the children (mulatto) or

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<sup>63</sup> *SVR*, vol. 1, 270.

<sup>64</sup> Pratt, 155-157.

<sup>65</sup> PCPR, vol. 4, 210, 212.





the parents (Negro/white).<sup>66</sup> The same observation holds true for the deeds registered to James Newell and Mary, his wife, when they purchased land from Samuel Clapp in 1710 and 1717; no mention is made about his race. Yet, in the same book a purchase of seven acres was recorded for *ffranke ye negro* (emphasis mine) in 1703.<sup>67</sup> Perhaps because Mary White came from an established and prosperous white Scituate family, her social and economic circumstances served to blur the usual distinctions of color in the public record. But race may well have played a significant role in the marital prospects of their offspring; only one of their eight children ever married. Because of the ban on mixed-race marriages after 1705, they were restricted in their search for marriage partners to the small pool of non-whites-- free Negroes, mulattoes, and Indians.

As unusual as the Newells were for that time, another biracial couple, the Franks, also lived in Scituate. On the 10th day of May in 1699 “ffranke, negro” of Scituate purchased five acres of “planting land” from Israel Silvester Sr. “also of Sittuate,” for the sum of “three pounds & ten shillings Courrant money of New England.”<sup>68</sup> According to the Scituate town records, ffranke was the first Negro to purchase land in Scituate; since no mention is made of his master, he may have been a free man. How he gained his freedom is not known. Most likely, he was formerly the slave of Richard Dwelly, listed in the inventory of Dwelly’s estate in 1692 as “ffrancis a negro.”<sup>69</sup> In 1701 “Frances Negro”

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<sup>66</sup> The clerks were: Deac. James Torrey from 1695 to 1701; and James Cushing from 1702 to 1706. Deane, 112. The Newells were the exception to the rule. Throughout the seventeenth and most of the eighteenth century, the vital records of Scituate allude to the race of all non-whites in the public records. In fact, the entry just below the Newell family records lists the birth of “Margaret ffranke ye Daughter of ffranke, negro.” Scituate Vital Records Book 6B, (original ledger), 141.

<sup>67</sup> Book C4, 356, 357; 199.

<sup>68</sup> Bangs, vol.2, 405.

<sup>69</sup> PCPR, vol. 1, 147.



married a woman named Margaret. The record of their first child's birth in 1705 illustrates the beginning of a system of patronymics: ffranke Negro and his wife Margaret named their daughter, "Margaret ffranke."<sup>70</sup> Because the race of the mother is not specified in the record, Margaret ffranke's mother most likely was white. Evidence to support this hypothesis is found in the probate of Francis Negro. The record dated 20 July 1713 identifies his wife as "Margeret Jones alias Negro, relict widdow of Francis Negro."<sup>71</sup> Jones is a common Welsh surname.<sup>72</sup> The "Welshwoman," Margaret Frank, who died at age ninety-six in neighboring Hanover in 1753,<sup>73</sup> was most likely the widow of Francis Negro.

While James Newell, ffranke Negro, and the infant "Petter" Choyce can be traced into the eighteenth century, the fate of other free Negroes such as Robben, and Robert Traves, is not known. Since both men were "free," they may have moved away. Some slaves were freed by their masters; others, like ffranke, may have purchased their freedom after their masters' death. But these manumissions were the acts of individual Puritan men and women who did not subscribe to the concept of perpetual servitude.

One Puritan who evidently suffered a conflict of conscience was Mary Booth, who inherited her husband's two slaves.<sup>74</sup> She tried to free them in March 1734 but the town voted to "disallow" the bonds given for "the manumission of Cezar Burges and Peter

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<sup>70</sup> *SVR*, vol.II, 341; vol.I, 157.

<sup>71</sup> PCPR, vol.3, 320-1. ffranke Negro left a total estate of £100-- including land and buildings worth only £6, and farm animals worth £36.

<sup>72</sup> Welsh servants are known to have been in Scituate at a very early date. There was "a Welshman" on the compiled lists of freemen of Scituate from 1633-1649. Deane, 153.

<sup>73</sup> L. Vernon Briggs, *History and Records of the First Congregational Church, Hanover, Mass. 1725-1865* (Boston: Spooner, 1895), 186.

<sup>74</sup> Booth's inventory in 1718 lists two Negro men valued at £ 70 and the "remainder of a Servant boy's time in the hands of Wm. Bailey." PCPR, vol.4, 8.



Choise Negroos Judging them to be Insufficient to have ye Towne Harmless.”<sup>75</sup> Finally, in 1746 the town accepted a bond from Mrs. Mary Booth and her son-in-law, Deacon Thomas Pierce, and allowed her to release “her Negro man named Peter.”<sup>76</sup> Mary Booth also stipulated in her will that “Peter Choïs” was to be given his freedom.<sup>77</sup>

A few other Negroes appear in Scituate records at the turn of the century: Judith, the slave of John Cushing, and her husband, James, who were married in 1701,<sup>78</sup> and Thomas, a Negro servant of John Dwelly, who was baptized as an adult in 1705.<sup>79</sup> The names of these first Negro slaves in Scituate suggest a strong Puritan influence. Except for the diminutives, Robben and Jemy, and Jo (probably short for Cudjo<sup>80</sup> or possibly standing for Joseph or Josiah), almost all of these slaves had Biblical or English names: Judith, Peter, Petter, James, ffrancis, John, Thomas and Robert. Three of these men have surnames as well: Robert Trayes, Peter (Petter) Choyce (Choice), (Choïs), and James Newell.

Almost all of the Negroes living in seventeenth-century Scituate were men. Only one black woman living in 17th century Scituate has been identified to date--Mariah, a slave of the prosperous shipbuilder, Walter Briggs. As a very young child, perhaps as

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<sup>75</sup> Scituate Town Meeting Book, C3, 117.

<sup>76</sup> STMB, C3A, 4.

<sup>77</sup> PCPR, vol.13, 293. Mary Booth's will of November 1748 states: "I give and bequeath unto my Negro Servant called Peter, alias Peter Choïs, his time and freedom, Immediately after my Decease together with all the Estate he has got to himself whilst he was my Servant and is now in possession of." She does not mention Cezar Burges. Peter Choïs was probably the same "Peter" who married Celia, a Negro, in 1730. *SVR*, II, 342.

<sup>78</sup> *SVR*, II, 342.

<sup>79</sup> *Scituate Massachusetts, Second Church Records (In Abstract) 1645-1850* (Boston: Litchfield, 1909), 27.

<sup>80</sup> Cudjo is an African name for a boy born on a Monday. J.L. Dillard, *Black English: Its History and Usage in the United States* (New York: Random House, 1972), 124.





young as three or four years of age, “Maria” was sold to Walter Briggs of Scituate by Margaret Cock, the wife of mariner Edward Cock of Boston,<sup>81</sup> and taken to his sprawling estate on the Scituate coast. The authors of *Old Scituate* provide us with a romanticized picture of what slavery was like on the three hundred acre farm of Walter Briggs. They depict a pastoral scene with Briggs and his sons, assisted by his slaves, “tilling the land, harvesting the crops, hauling the winter supply of firewood for the big fireplace, and teaming the kelp from the beach as a fertilizer for the farm.”<sup>82</sup> In the evening, “the steady glowing fire lights the faces of Walter and Goodwife Frances; Hannah the daughter is there with three sturdy brothers, John, James, and Cornelius, who complete the family group. The negroes are called in, the evening devotions are held,<sup>83</sup> and the solitary household is soon in slumber, lulled to sleep by the beating of the waves on the ocean shore.”<sup>84</sup> Maria was a member of this household for over twenty years.

Before heading off to fight in King Phillip’s War in 1676, Walter Briggs wrote his will, leaving his “little neger girle” to his wife Frances Rogers Briggs, and stipulating that Mariah “be with [Frances] so long as my wife lives, provided she continue at Conihasset.”<sup>85</sup> Walter Briggs died in 1684 and Frances died shortly afterwards, leaving

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<sup>81</sup> Maria was sold on March 26, 1673 for £14 10s. Briggs, *Genealogy*, 87.

<sup>82</sup> *Old Scituate*, 90.

<sup>83</sup> Note: The idea that Negro slaves or servants did join in family prayer is not farfetched. Judge Samuel Sewall, who rode the circuit for the Superior Court from 1692 to 1728, mentions that on one particular evening while lodging at Cushings, en route to Plymouth he retired to his bedroom but “being weary,” he “prayed not with [his] Servant” (probably his young Negro servant named David). For Sewall, and men like him, praying with one’s servants was customary. *Diary of Samuel Sewall, 1674-1729*, M. Halsey Thomas, ed., (New York: Farrar, Strauss, and Giroux) vol. I, 543.

<sup>84</sup> *Old Scituate*, 92.

<sup>85</sup> Note that “Briggs’ Irishman, which was his estate,” died in the Great Swamp fight. *Plymouth Colony Wills & Inventory*, vol.3, set 590, 1534.



the homestead and her slave Mariah to her late husband's eldest son, Capt. John Briggs. But John also died that year, leaving "Negro servants" to his widow, Deborah Briggs. In 1688/9, Deborah Briggs granted to Cornelius Briggs of Barnstable, "Maria, ye negro, my sayd servant, (together with a little boy {named William} borne of ye sd Maria's body since ye within written.)" However, in 1693 Capt. Cornelius Briggs, a widower, was killed in "the Campaign for the total reduction of Canada." By the terms of Cornelius' will, his "Negro Servant woman named Mauria [*sic*] was to be "set free and at liberty, to be at her own disposing" in thirteen years. The executor of Cornelius' estate sold Mariah to Stephen Otis with the stipulation that she was to be freed on April 22, 1706. Mariah was freed, but her son was not; Will Thomas had been sold to Jabez Wilder of Hingham in 1703. However, there is more to Mariah's story than this wrenching experience. Mariah bore a second child, a daughter named Molly, on May 4, 1708, at a time when Mariah, for all intents and purposes, should have been a free woman. But a member of the third generation of the Briggs family insisted that Mariah had been a slave at the time of her daughter's birth and therefore her daughter, Molly, was in fact a slave.<sup>86</sup>

The flexible servitude that had characterized Negro slavery in seventeenth century New England had come to a halt. Whereas the first generation of Puritans had treated their slaves more like persons than property, many of their descendants treated their slaves more like chattel. Mariah's struggle to free her daughter exemplifies the changing face of slavery in the early eighteenth century. The loss of freedom will be discussed in Chapter Three.

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<sup>86</sup> Briggs, *Genealogy*, 88b, 181; PCPR, vol.1, 207, 209; *SVR*, vol.1, 435.



### CHAPTER 3

#### SLAVE LIFE IN SCITUATE DURING THE FIRST HALF OF THE EIGHTEENTH CENTURY: MORE SLAVES, LESS FREEDOM.

In New England, Negro slaves held dual status; they were considered to be both persons and property. Most seventeenth-century Puritans treated their slaves as they did their white servants. Slave-owners like Walter Briggs worked alongside their Negro servants, clearing the land and tilling the soil. In the eighteenth century as the demand for labor increased, so did the monetary value of Negro slaves; slave-owners began to treat their slaves as property, rather than as servants. As the institution of slavery became more entrenched, the ramifications of enslaving men and women for life weighed less heavily on the consciences of the descendants of the Puritans. Even in the “best” of families, such as the Cushings and the Briggs, the change in attitude becomes readily apparent. The Cushings, like the Briggs, were a slave-owning family. John Cushing Sr., of Belle House Neck, was “a farmer who exported produce and timber to Boston,” a merchant--“a general supplier of goods to Scituate’s poorer residents,”<sup>1</sup> as well as a public official. Cushing was called “the life and soul of the Court” and was held in high esteem, as were all the members of the “Family of Judges.”<sup>2</sup> But the striking difference between him, his

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<sup>1</sup> Jeremy Bangs, *Seventeenth Century Town Records of Scituate* ( Boston: NEHGS, 2002) vol.3, 110. Bangs gleans much data from Cushing’s account book at the MHS.

<sup>2</sup> Lemuel Cushing, *The Genealogy of the Cushing Family*, (Montreal: Lovell Pub., 1877), 21. John Sr. (1662-1737), served as Chief Justice of the Inferior Court of Plymouth, from 1702 to 1710; member of the Governor’s Council from 1710 to 1728; and Judge of the



son, John Cushing Jr. and his grandson, William Cushing, is not in their substance, but rather in their style. For example, the modes of travel of father and son differed widely and illustrate the difference between the austerity of the Puritans and the materialism of their descendants. John Cushing Jr., at the age of seventy-six, is described by John Adams, well known for his acerbic wit, as he passed him on the road to Ipswich in 1771:

Overtook Judge Cushing in his old curricule, and two lean horses, and Dick, his Negro, at his right hand, driving the curricule. This is the way of traveling in 1771: a judge of the circuits, a judge of the superior court, a judge of the King's bench, common pleas and exchequer for the Province, travels with a pair of wretched old jades of horses in a wretched old dung-cart of a curricule, and a negro, on the same seat with him driving.<sup>3</sup>

Whereas Judge John Cushing rode his circuit in an old buggy sitting beside his Negro slave, his son and successor on the bench, Judge William Cushing, bewigged and elaborately frocked, rode in high style, cutting a memorable figure. His Negro Scipio would ride ahead on horseback over the muddy roads, "to see if the bridges were safe, before attempting to cross them."<sup>4</sup> The Judge's coach, drawn by a pair of horses, was:

remarkable for its many ingenious arrangements for carrying books, choice groceries, and other comforts. Mrs. Cushing generally read aloud to him. His faithful servant, Prince, a jet black Negro, whose parents had been slaves in the family and who loved his master with unbounded affection, followed behind, in a one horse vehicle with the baggage.<sup>5</sup>

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Superior Court of Judicature of Massachusetts from 1728 to his death in 1737. His son, Judge John Jr. (1695-1778), served on the Superior Court of Common Pleas for Plymouth from 1707 to 1728; he was also the Scituate town clerk from 1719 to 1744, as well as the Judge of the Superior Court from 1747 to 1771. William Cushing (1732-1810) was appointed Chief Justice of the Superior Court of Massachusetts in 1777; Justice of the Supreme Judicial Court in 1782; first Chief Justice of the State in 1788; Justice of the Supreme Court of the U.S. in 1789. Cushing, 20, 21, 31-33.

<sup>3</sup> *The Works of John Adams*, Charles Francis Adams, ed. (Boston: Little, Brown, 1850-1856; reprint, New York: Books for Libraries, 1969), vol.II, 279-80.

<sup>4</sup> *Old Scituate*, (Norwell, MA: Chief Justice Cushing Chapter DAR, 1921), 40.

<sup>5</sup> Harvey Pratt, *The Early Planters of Scituate* (Scituate Historical Society, 1929), 276.





Although all of the Cushings were evidently kind and humane masters, the differences in their “carriage” is instructive. Although Dick, Scipio and Prince were all slaves, Dick was treated more like a servant and a companion by old John Cushing; Scipio and Prince were kept at a distance by William Cushing. If the succeeding generations of Cushings demonstrate a significant change in the attitudes about relationships between master and slave, in an even more dramatic way, the Briggs family exemplifies the change of heart, the lack of any conflict of conscience about enslaving men and women for life, which characterizes the first half of the 18th century.

The first freedom suit in Plymouth County was in 1717; it involved Mariah, the former slave of the Briggs family, and her daughter Molly.<sup>6</sup> This case illustrates the tightening of controls on slaves, and the reluctance of heirs to relinquish their valuable property. Certainly by Mariah's reckoning, her two daughters, Molley and Grace, born in 1708 and 1712, were born free because the bill of sale of Mariah to Stephen Otis stipulated that Mariah was to be freed by 1706; the children by custom followed the status of the mother.<sup>7</sup> “Tony and Mariah, Negroes” took Cornelius Briggs Jr., the eventual heir of Walter Briggs' estate, to court in June of 1717 claiming that their daughter, “Molly alias Mary,” had been detained as a slave contrary to law. The jury found for the plaintiff, but the defendant appealed the verdict. In April of 1718 the court ordered that Briggs “not dispose of Molly” but rather “carry it well toward her” and that

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<sup>6</sup> Besides Mariah's firstborn child, Will Thomas, she had two other children who were born to her and Tony, a Negro man: Mary, born May 4, 1708, and Grace, born March 20, 1712/13. *Scituate Vital Records*, I, 433, 4. However, the actual marriage of Mariah to Anthony Sisco, a servant of Rev. Eells, did not take place until 1714. *SVR*, II, 260. The Minister's entry refers to Sisco as “my Negro man.”

<sup>7</sup> Lorenzo Greene, *The Negro in Colonial New England* (New York: Columbia University Press, 1942; reprint, New York: Atheneum, 1971), 197.



she be “forthcoming within the space of twelve months.” Unfortunately, her mother, Mariah, died in 1718 before a final judgement was rendered. It took two more years before Molly was freed. Briggs continued the appeal in 1719 against “Molly alias Mary, Negro.” In 1720 her case against Briggs was “affirmed on nonprosecution” and the court ordered that the “complainant by her prochain Amy [*sic*] or next friend recover costs.”<sup>8</sup>

Interestingly, the Judge who heard this case was Justice John Cushing Jr. of Scituate and Mariah’s “next friend” was the Rev. Nathaniel Eells of the Second Parish Church of Scituate. More significantly, both men were friends of Judge Samuel Sewall, of *The Selling of Joseph* fame.<sup>9</sup> Eells, like Sewall, never owned slaves, and judging by his conduct, was very sympathetic toward the plight of the slave and was probably opposed to slavery in general. Judge Cushing was a slaveowner, by all accounts a humane one, and according to the verdicts he rendered, a just man.

No further record of Molly could be found, but her father, Tony, did remarry. Anthony the “Negro servant to Thomas Rogers of Marshfield” and Phebe (his second wife) and Ruth their daughter were all baptized on June 28, 1724 in the Second Parish Church of Scituate. “Anthony Sisco”<sup>10</sup> and Pheby his wife were admitted to full

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<sup>8</sup> *Plymouth Court Records 1689-1859*, David Thomas Konig, ed. (Wilmington, DL: Michael Glazier, 1979), vol.5: 68, 71, 98, 100. Few slaves had the resources or knowledge to initiate a lawsuit without the aid of an advisor or *prochain ami*.

<sup>9</sup> Sewall “heard Mr. Eells preach” on March 23, 1711/12 while staying at Job Randal’s in Scituate. On another occasion Sewall again set out for Scituate, this time with Scipio; he ate dinner at Cushings and again lodged at Randal’s. The next day, April 26, 1719, he heard Mr. Eells and on his way to Plymouth the following day he stopped and “gave Mr. Eells Tate and Brady’s Psalms.” *Diary of Samuel Sewall 1674-1729*, M. Halsey Thomas, ed.(New York: Farrar, Strauss and Giroux, 1973), vol.II, 683.

<sup>10</sup> Tony, or Anthony Sisco was probably an Anglicized version of the name Antonio Francisco, and most likely he had Creole origins, as did Mariah, servant of Anthony Collamore, who was described as a Spanish Indian in church records.



communion on December 17, 1725. And seventeen years later, in 1742, Mariah's younger daughter, Grace Sisco, was also admitted to the same church.<sup>11</sup> This is the last record of the family of Mariah, whose daughters were eventually freed by virtue of the fact that they were born to a "free" Negro woman.

The Briggs family owned only two slaves, Jemy and Mariah (plus her offspring). The Cushing family, on the other hand, owned many slaves over the course of almost a century.<sup>12</sup> The progenitor of the Scituate family, John Cushing, purchased three slaves, his son John bought two more, and his grandson, William, at least five. The first slave in the family was a twenty-four year old Negro woman named Judith.<sup>13</sup> Presumably, the woman named Judith who married a "James, Negro" of Scituate in August of 1701<sup>14</sup> was the same "Judith" who was a slave of Cushing. Greene argues that "proper social relations among the slaves was encouraged. Marriages of slaves in New England were duly solemnized, recorded and respected in so far as was consistent with the morals of the institution."<sup>15</sup> He probably draws this general conclusion from the admirable examples provided by Judge Samuel Sewall, who acted as the honest broker in arranging marriages between slaves from different households.<sup>16</sup> We do not know what

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<sup>11</sup> *Scituate, Massachusetts, Second Church Records (in Abstract) 1645-1850* (Boston: Litchfield, 1909) 333, 362, 384. She was described in the church register as a Negro servant now to John Hall of Hingham, formerly to Joseph Clapp of this town. She may have been "Grace, a colored woman died age 95" in 1816. *SVR* II, 473.

<sup>12</sup> The slaves were: Judith, Jo, and Phillis; Jonathan and Dick; Prince, Scipio, Chrissey, Alice, Lizzie, plus other women who have not yet been identified.

<sup>13</sup> John Cushing purchased Judith from Theophilus Moore of Marshfield in 1701, and Jo in 1715 from John Cutler of Boston. Cushing Papers.

<sup>14</sup> *SVR*, II, 342.

<sup>15</sup> Lorenzo Greene, "Slave-Holding New England and its Awakening," *Journal of Negro History* Vol. 13, no.4 (October 1928): 504.

<sup>16</sup> The Waits and the Thairs came to speak with Sewall about the Waits' Negro servant, Sebastian, and Jane, Negro servant of Mrs. Thair. Mrs. Thair proposed that Sebastian be





arrangements were made for the marriage of Judith and James, but it is worth noting that the marriage was legal and sanctified by a Minister of the church. In the beginning of the eighteenth century, social propriety was a serious consideration for men like the Cushings and Sewall, as were the physical and material conditions of their servants.

Much of what we know about the physical aspects of slave life in Massachusetts comes from the advertisements for runaway slaves which appeared in Boston papers from 1704 to 1781. Greene analyzed these notices and he found that most runaways were male, two-thirds were under age twenty-five and most were well dressed. For example, in 1712, Daniel, a nineteen-year-old mulatto slave of Edward Wanton of Scituate, ran away wearing a "black hat, cotton and linen shirt, striped homespun jacket, Kersey Breeches, gray stockings, and French fall shoes."<sup>17</sup> One sixth of runaways were described as "mulattos." Some bore scars of harsh treatment. Only one-fourth could speak English and all but one were illiterate.<sup>18</sup> But many spoke other languages, suggesting that they were

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allowed to work "one in six" (the seventh day, the Sabbath, was a day of rest for master and servant) for the support of Jane, his intended wife and her children, "if it should please God to give her any. Wait proposed instead that he would allow him £5 a year to support his family. Sewall "persuaded Jane and Mrs. T. to agree to it, and so it was concluded." Evidently, Jane was part of the decision making process; she and Sebastian were married by Judge Sewall on February 13, 1700/1. In another case, the always sympathetic Sewall mentions that while working outside with a Negro named Cophee, a hired man, Cophee told him that "he gives Mr. Pemberton £40 for his Time, that he might be with his wife." Sewall then gave him 5s. to help him. *Sewall*, I, 443; II, 762. Another option was for a free Negro man to purchase and then free an enslaved Negro woman. For example, in 1724 Scipio, (possibly Sewall's servant named Scipio, who died in 1725) "a free Negro man and laborer" of Boston bought Margaret, a Negro *servant*, in order that Scipio might "enjoy the said Margaret without any interruption." George Moore, *Notes on the History of Slavery in Massachusetts* (Boston: Appleton, 1866; reprint, New York: Negro Universities Press, 1968), 57.

<sup>17</sup> L. Vernon Briggs, *History of Shipbuilding on the North River* (Boston: Coburn Bros., 1889), 218.

<sup>18</sup> Lorenzo J. Greene, "The New England Negro as Seen in Advertisements for Runaway Slaves." *Journal of Negro History*, 29 (April 1944): 126-140.



Creole, and had been enslaved elsewhere. Since it was difficult for slaves brought to New England after infancy to learn to speak English well, they “adopted a variant of English that combined an African grammatical system with an English vocabulary.” However, in the “intimate family servitude of New England, slaves picked up a functional grasp of their master’s language faster than elsewhere in the New World.”<sup>19</sup>

Although the slaves’ occupations were not often mentioned in the runaway notices, occupations were often included in the “For Sale” advertisements. In the eighteenth century Negroes, particularly in Boston, worked in many skilled trades: they were “carpenters, caulkers, shipwrights, mast makers, weavers, seamen, blacksmiths, printers, painters, bakers, shoemakers, distillers, sailmakers, tailors, tallowchandlers, soapboilers” and several worked as pressmen and typesetters. Most work was carried on within a family business, with servants and family members working alongside one another six days a week. The shop was usually attached to the living quarters.<sup>20</sup> Many men appear to have been engaged in farming: they are advertised as being skilled at “driving a cart,” doing “all sorts of husbandry,” and being “a master of the farming business.” Others “attended their masters on travel days, performed as scribes, drivers, and valets.” Negro women were skilled at “making yarn, butter and clothes, milking cows, tending garden.” One strong Negro woman was “well seasoned to the country ... can do all sorts of household work as washing, baking, brewing and can sew very well.” Other women were skilled in tasks such as “quilting, knitting, churning, dressing meats, waiting table,

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<sup>19</sup> William D. Piersen, *Black Yankees: The Development of an Afro-American Subculture in Eighteenth Century New England* (Amherst: University of Massachusetts Press, 1988), 40.

<sup>20</sup> Lawrence Towner, “A Good Master Well Served: A Social History of Servitude in Massachusetts 1620-1750,” Ph.D. diss., (Northwestern University, 1955), 179.



carding, making butter...tending children, buying provisions, making shirts, and nursing babies at the breast.” In the wealthier households men were employed as body servants. They “shaved their masters, dressed wigs, waited table, ran errands, drove chaises or carriages, played the violin for the entertainment of master and guests and performed that final service, hired as pallbearers, carrying their late masters to the grave.”<sup>21</sup>

Besides being trained in a variety of occupations, Negro slaves in Massachusetts experienced material advantages that their counterparts in the South did not. Negro slaves in New England were probably well-clothed and well-fed because they lived with and ate with their master’s family. In the South, on the other hand, slaves usually lived well apart from the master’s family in “a line of slave cabins.” In New England, slaves may occasionally have lived in a small out building, but usually they slept (Ira Belin says they were “stuffed”) in “garrets, backrooms, and closets.”<sup>22</sup>

Slaves in Scituate probably did not live in garrets, as the homes were either colonial, cape, garrison or saltbox in style. For example, in 1723 Dr. Isaac Otis moved to a colonial house on the public way near the up-river settlement. Tradition has it that his slave slept in a “spacious” area near the chimney between the Doctor’s office and the back parlor so that “he might have the horse saddled and the saddle bags in place when the doctor was summoned.”<sup>23</sup> The slave was named Gad and upon the death of Dr. Otis

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<sup>21</sup> Towner, “Good Master Well Served,” 166-169.

<sup>22</sup> Ira Berlin, *Many Thousands Gone* (Cambridge: Harvard University Press, 1997), 54, 56. In the case of Sewall’s Negro servant Scipio, although he did have a room in the “garret” of their large home, it could not have been too cramped or too unpleasant because Sewall, a large man, visited Scipio on occasion to view the night sky. Scipio was not restricted to his room, however; Sewall often found him in the parlor, “asleep by the fire.” *Sewall*, II, 985, 950.

<sup>23</sup> *Historical Homesteads of Norwell, Massachusetts* (Norwell, MA: Norwell Historical Society, 1992), 42-45.





he was allowed to choose either son James or Isaac for his master.<sup>24</sup> Not far from the Otis house, further up the North River, was the home and farm of Samuel Curtis.<sup>25</sup> The house, built in 1738, has “a small bedroom under the eaves on the third floor thought to have been slave quarters.”<sup>26</sup>

In Nathaniel Tilden’s homestead, closer to Scituate Harbor, the “servants’ chambers” were located on the ground floor of a saltbox house behind the central rear kitchen at each rear corner of the house.<sup>27</sup> Tilden had at least four slaves: a Negro woman Meriah; a “Negro boy slave”; a “black servant boy,” and a Negro (or mulatto) slave named Abraham Colden, who was sold to Benjamin Stockbridge in 1736 by Tilden’s widow.<sup>28</sup> Capt. David Little’s mansion, called “Two Stacks,” which was situated above Scituate harbor,<sup>29</sup> is well known in Scituate for its “whipping post,” located in the attic. The attic was probably where Little housed his slave, Prince. However, at least one Scituate slave lived in a place of his own.

London, a “Negro man servant of Williams Barker,” married Martha Ned, a free Indian woman in 1753; they lived in a small house on the Barker family farm.<sup>30</sup>

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<sup>24</sup> Plymouth County Probate Records, 25; 65. Dr. Otis also had a slave named Mercy in 1756, as well as another Negro girl named Sarah, whom he bequeathed to his wife, Deborah. The house was inherited by Dr. James Otis in 1777, and in that same year Gad Willis married Lattice Tayler, who most likely shared the same accommodations as her husband. *SVR*, II, 287.

<sup>25</sup> Samuel Deane, *History of Scituate, Massachusetts from its First Settlement to 1831* (Boston: James Loring, 1831; reprint, n.p. Scituate Historical Society, 1975), 253.

<sup>26</sup> Pattie Hainer, “Many sites rumored to be part of Network,” *Patriot Ledger* (Jan 18, 1999), 7. If so, it probably housed Curtis’ slave, Cezar, or Samuel Jr.’s slave, Zilpha.

<sup>27</sup> Bangs, vol.1, 17.

<sup>28</sup> PCPR, vol.7: 151-52.

<sup>29</sup> *Scituate Historical Society Newsletter*, 3, no.2 (September 1998): 2, 4.

<sup>30</sup> Pratt, 350-1. In 1765 two Negro slaves of neighbor Benjamin House, Polydore and Portroyal, destroyed the house and stole Martha Ned’s yarn and weaving implements.





However, much earlier, circa 1702, “Frank the Negro and Margaret his wife” had purchased seven acres of land for their homestead.<sup>31</sup> In 1737 Peter Choix, tanner, purchased seven acres of upland from Joseph Bailey and added a parcel of land owned by Jacob Vinal Jr. (formerly Nathaniel Tilden’s pasture) to his holdings in 1738. That same year Cesar Burges, laborer, bought land from Caleb Torrey.<sup>32</sup>

Although many slaves may not have had even a separate bedroom, never mind a home of their own, most at least had their own bed, which they usually took with them when they were freed or transferred to other owners. In 1730 Sarah Barker, relict of John Barker, freed her servant, Mariah, and gave her “the Bed & Bedstead which she usually lodgeth upon with ye Bedding and furniture belonging to it.” Thomas Jenkins, in his will of 1734, provided “the use of feather bed, chest and furniture to his Negro women Susanna and Judith.” He also stipulated that they were to dwell with his grandsons, and not to be sold without their (the women’s) consent.<sup>33</sup>

Some slaves were allowed to select their owners in order that they “might live near kin or change an unsatisfactory condition.”<sup>34</sup> In 1722 Samuel Clapp, yeoman, willed that his “Negro woman servant called Pegg shall have the liberty to choose her master amongst my children.” His son, Joseph Clapp, willed the same thing in 1740 for “his servant man called Cuffey.”<sup>35</sup> Most of the wills of slaveowners provided specific instructions as to which members of the family would inherit the family slaves.

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<sup>31</sup> Plymouth County Deeds, vol. 36:180. This is a quit claim signed in 1742 by Job Otis for land purchased from him by Frank and Margaret, “over forty years ago.”

<sup>32</sup> Deeds, vol. 33: 42.

<sup>33</sup> Plymouth County Probate Records, vol. 5: 765; vol. 8: 112.

<sup>34</sup> One frustrated master wrote to a friend in the West Indies, that “custom will not allow us to use our negroes as you doe in Barbados.” Berlin, 54.

<sup>35</sup> PCPR, vol. 6: 349 (proven in 1733); vol. 11: 26 (proven in 1747).



Frequently the stipulation was that the slave was not to be sold out of the family. Whether this was to keep slave families intact is not known, although Greene does argue that “the pious regard in which the Puritans held the nuptial tie was normally sufficient deterrent against the separation of the husband and wife.”<sup>36</sup> But it appears to have been the case in the Clapp family, and in other families where members of the slave family were dispersed among various members of the the slaveowner’s family.

For example, in 1743 Samuel Williams Barker left his “Negro woman named Jenny,” who was the wife of Winsor, the slave of Barker’s brother-in-law, Job Clapp, to his wife Hannah; Jenny’s son, Britain, to Barker’s son, Ignatious; Bristol to his son Samuel; Silvia to his daughter Deborah; and London to his son Ezekial. At the time of the will, Britain, the Negro boy, was already living with Ignatious Barker.<sup>37</sup> Although it was disruptive to the slave family, most likely the individual slaves were living within the same section of town and could at least see each other often--particularly on the Sabbath when everyone went to the meetinghouse.

During the first half of the eighteenth century only three Scituate slaveowners willingly freed their slaves in their wills--John Barker, Thomas Coleman, and the widow Mary Booth. Barker was an extraordinarily wealthy merchant who, in 1727, left an estate worth almost £7,000; he instructed his wife, Sarah, to release his “Spanish Indian maid servant named Mariah” after two more years of service, which, as we have seen, she did. Coleman’s Quaker beliefs may have influenced his decision to free his “two old Negroes, Sarah and Harry,” in his will of 1737, or perhaps their unprofitability, not his piety, was

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<sup>36</sup> Greene, “Slave-Holding New England,” 504.

<sup>37</sup> PCPR, vol.13: 344-45



the determining factor.<sup>38</sup> The increasing size of the slave population precipitated a tightening of controls among town magistrates. For example, in 1734 the town of Scituate voted to disallow the bond given by the treasurer for the manumission of “Peter Choise and Cezar Burges Negroos” as “insufficient to protect the town.”<sup>39</sup> Even so, as noted previously, three years later, both men were allowed to purchase land in Scituate. In 1745 Mrs. Mary Booth, with the aid of Thomas Pierce, finally convinced the town to accept a bond for the manumission of “her negro man named Peter,” (no mention is made of Cezar Burges) and she further ensured Peter’s freedom by stipulating again in 1748 in her will: “I give unto my Negro servant called Peter, alias Peter Chois, his time and his freedom Immediately after my decease together with all the Estate he has got to himself whilst he was my servant and is now in the possession of.”<sup>40</sup>

Besides these four ex-slaves, there were only a few free people of color living in Scituate in the first half of the 18th century. The progeny of James Newell and Mary White and of Frank Negro and Margaret Jones were born “free” because their mothers were free white women, as was the illegitimate mulatto child born to “Jo, Negro” and Sarah Curtis. Although the second generation of Newells and Franks were born “free,” their choice of marital partners was restricted because there were few free Negroes or mulattoes in the town and, as mentioned previously, after 1705 intermarriage with whites was prohibited by law.

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<sup>38</sup> Barker also directed his wife to dismiss Mariah “with two good suits of apparel suitable for a person of her condition. PCPR, vol. 5: 604-13; PCPR, vol. 7: 352-53.

<sup>39</sup> Scituate Town Meeting Minutes Books, vol. C-3, 117.

<sup>40</sup> STMMB vol. C-3a , 4; PCPR, vol.13: 293.





When freedom was denied to male slaves, they sometimes ensured that their children would be free born by marrying free women. But this was difficult to do. First of all, there were more Negro males than females in New England, and very few Negro females were free.<sup>41</sup> On the other hand, there were more Indian females than males. As Greene points out, this discrepancy led to miscegenation between Negroes and other races.<sup>42</sup> Indeed, Scituate marriage records confirm that black males often married free Indian women, and on two occasions, the Newells and the Franks, they married white women before it became illegal to do so. Not surprisingly, some unions between blacks and whites, which could not be legalized, resulted in illegitimate births.<sup>43</sup> From 1701 to 1789 there were 36 marriages in which both partners were Negroes; during the same period there were 5 marriages between Indians. But there were 10 interracial marriages: eight between Negro men and Indian women, and two between Indian men and free “mulatto” women.<sup>44</sup> What is most striking is that there is no evidence that any Negro woman married outside her race. Most Negro women were enslaved, and needed the permission of their master to marry, and more importantly to the prospective parents, any children born of the union would have been enslaved. The only free Negro woman in

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<sup>41</sup> As one slavetrader advised the ship’s captain: “[Buy] no girls and few women but prime boys and young men.” Elizabeth Donnan, *Documents Illustrative to the Slave Trade to America*, vol. III (New York: Octagon Books, 1969), 69.

<sup>42</sup> Greene, *NCNE*, 96. In New England in 1755 there were 1,500 Negro males to 855 females. In 1764 there were 3,016 males and 2, 219 females. In Plymouth County in 1764 there were more Negro men than women (243 to 219), and more Indian women than Indian men (148 to 75). Greene, *NCNE*, 347.

<sup>43</sup> The law against “mix’t issue” was passed in 1705. Sarah Boyce had a mulatto child in 1722 as did Abigail Standley and Deborah Russell in 1771. *Plymouth Court Records*, vol. 2: 36; vol. 4: 307, 313.

<sup>44</sup> One of these brides was Mariah, the former Spanish-Indian maid servant of the Barkers, who married “Lemuel Francis, Indian man of Pembroke” in 1740. “Marriage Intentions,” Scituate Series 3D, vol. 5: 56.



Scituate in the mid-eighteenth century was Leah Foster, who lived with Mrs. Amy Dwelly.<sup>45</sup> Men, whether slave or free, would have had reservations about marrying a slave woman, because their children would be born into perpetual servitude. Promises of freedom were not always honored; nor, evidently, were nuptial ties.

The belief that “From the reverence entertained by the fathers of New England for the nuptial tie, it is safe to infer that the slave husbands and wives were never parted,”<sup>46</sup> may have been accurate for the seventeenth century, but there are many reasons to suppose that such arrangements did not extend into the eighteenth century. Marriages between slaves of the same master, such as that of Dick and Grace, Negro servants of Job Otis who were married in 1725, probably had the best chance of surviving. Marriages between slaves who were owned by two different masters, as in the case of Peter, servant of Widow Booth, and Celia, Negro servant of Thomas Pierce, in 1730, could also work out if their masters were committed to it, which in this case they were. The same holds true for slaves who married within an extended family, as in the case of Cuffey, Negro servant of Joseph Clapp, and Flora, Negro servant of Thomas Clapp.<sup>47</sup>

However, there is ample evidence that the sanctity of the family was not always upheld. Even Greene admits that in some cases marriage “did little more than legalize sex,” and he quotes one minister who performed the marriage ceremony between Negroes with the pronouncement that they were “licensed to be conversant and familiar together as husband and wife.” There is no mention here of the standard line, “for as long

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<sup>45</sup> Leah Foster was admitted to full communion in the Second Church in September, 1745. *Scituate Massachusetts, Second Church Records (in Abstract) 1645-1850* (Boston: Litchfield, 1909), 25.

<sup>46</sup> John Gorham Palfrey, *History of New England* (Boston: Little Brown, 1860) II, 30.

<sup>47</sup> *SVR*, II, 341.



as you both shall live.” The interests of the slave family were subordinate to the best interests of the slavemaster. Husband and wives could be separated; children could be taken away. As Greene points out, “although Puritans went to great lengths to safeguard the integrity of their own families, they were unwilling or unable to extend the same protection to the slave family,” especially to the children.<sup>48</sup> Consequently, not all slave unions produced offspring. Some slave women probably avoided having children so that neither they nor their children would be sold. In some instances the slave women married late in life and bore no children; in other cases children may have died early in infancy or they may have been given away or sold. Dr. Belknap, an eyewitness to the last decades of slavery in Massachusetts, states that “Negro children were considered an encumbrance in the family and when weaned, were given away like puppies.”<sup>49</sup> Sometimes advertisements were placed in Boston papers;<sup>50</sup> more often the arrangements were informal, and made locally.

For example, in 1749 Amasa Bailey sold a Negro child named Susannah, age one year and ten months, to Joshua Otis.<sup>51</sup> In that same year, Edward Jenkins of Scituate gave Briton, a Negro infant, to John Studley of Hanover “soon after its birth.” In another case, a former slave named Lettice Goodwin of Scituate, born about 1763, “was given away by Williams Barker to Mary Cudworth and her sisters the day she was born. She was kept by

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<sup>48</sup> Greene, *NCNE*, 211.

<sup>49</sup> As quoted in Moore, 57.

<sup>50</sup> One advertisement offered a mother and her infant “to be sold together or apart.” George W. Williams, *History of the Negro Race in America 1619-1880* (New York: Putnam, 1883; reprint, New York: Arno Press and the New York Times, 1968), 189. Other advertisements offered a “negro infant girl about six weeks to be given for the bringing up,” or “a Negro child to be given up for the rearing.” *Boston Newsletter* (September 30, 1706), (December 3, 1711).

<sup>51</sup> *Old Scituate*, 118.



them until she was six years old, when she was sold to Jonathan Holmes of Kingston.”<sup>52</sup>

The giving away of slave children would seem to contradict the notion that slaves were bred for the market in New England towns, although tradition has it that one man, “Job Tilden, raised slaves for the market.”<sup>53</sup> He did post one broadside in 1762 advertising the sale of a slave girl named Florow, described as being “nine years old ... of good bodily health, and with a kind disposition.”<sup>54</sup> This “kind disposition” was apparently a trait that Florow shared with her fellow slaves. Despite the evidence that slaves in Scituate were whipped on occasion, either publically or privately, for lawbreaking or other transgressions, there is no evidence of any violence by Negroes against their owners or other white persons. The same cannot be said about whites.

Although little evidence of the social relations between the races in Scituate can be found, there was one court case in which racism plays a leading role. In 1743, Elizabeth, the widow of Jedediah Dwelly, was sued by David and Abigail Marble for calling Abigail (Joy) Marble “a poor Negro whore [who] danced with Joshua Jemmy a Moletto [*sic*] man and went outdoors alone with him in the night and stayed there sometime together.”<sup>55</sup>

There was one documented case of violence. In 1758, James and Mary's daughter, Jerusha Newell, then age sixty-seven, was attacked by a white man, also from Scituate. James Studley (yeoman) attempted the rape of “Jerusha Newell of Scituate, spinster and a mulatto single woman.” Despite the criminal nature of Studley's attack on Jerusha

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<sup>52</sup> Letters of the Overseer of the Poor of the Town of Scituate. Letter dated July 12, 1823. Lettice Bowker (Barker) married Prince Goodwin of Plymouth in 1802. *SVR*, II, 36.

<sup>53</sup> John S. Barry, *A Historical Sketch of the Town of Hanover, Mass. with Family Genealogies* (Boston: Samuel G. Drake, 1853), 176, 175.

<sup>54</sup> According to Dwelley, 183-184, the buyer was “Br. Bailey of Scituate.” According to *Old Scituate*, 265, the buyer was Joseph Tilden Jr. of Scituate.

<sup>55</sup> *Plymouth Court Records*, Vol. 5: 275. Joshua Jemmy may have been a son of “Jemy.”





Newell, he was fined only £8,<sup>56</sup> £3 more than her parents, James and Mary Newell, had paid for their pre-marital relations seventy years earlier. Whether racism directly affected a mixed race family such as the Newells is not known, but the effect of their racial background on their marital opportunities is evident.

Of the three sons and five daughters who were twelve to twenty-nine years old at the time James Newell wrote his will in 1719, only his eldest son, James Jr., would marry, and then not until he was age forty.<sup>57</sup> For seven out of eight adult children to remain unmarried in the eighteenth century was very unusual. Although the inventory of Jame's estate in 1720 suggests that the Newells were relatively prosperous, their social status and their personal relations with their neighbors is a matter of speculation.<sup>58</sup>

Because of the law of 1705 preventing intermarriage between blacks and whites, the children of James Newell Jr. were restricted in their search for marital partners; they married people from other towns, who were most likely of mixed ancestry themselves.<sup>59</sup> Tracing the Newell family history is a relatively easy task because they were free, had a surname, and were economically advantaged. It is much more difficult to trace the history of the Negro slaves who, prior to the Revolutionary War, were known by only a single given name, such as Prince, which was very common, or single names such as London, Boston, Bristol, Britain, Winsor, Portroyal and Cuba. These place names sometimes offer clues to the slave's past.

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<sup>56</sup> *Plymouth Court Records*, vol.3: 97.

<sup>57</sup> James Newell Jr. married Abigail Nickols in 1739. *SVR*, II, 216.

<sup>58</sup> *PCPR*, vol.4: 210, 211.

<sup>59</sup> Levi and James Newell married sisters, Ruth Burbank of Cohasset and Jane Burbank of Hingham, who were probably of mixed ancestry. Joshua Newell married "Mary Clapp 3rd." James died before 1770; Joshua before 1772. Joshua's widow, Mrs. Mary Newell, married an Indian named Joshua Comset in 1775. *SVR*, I, 270; II 216.



For example, in 1740 the towns of Scituate and Hanover sent an expedition against the Spanish West Indies, led by “Capt. Winslow” of Plymouth. Upon their return, the towns supported the men “gone to Cuba and elsewhere.” Joshua Turner of Hanover joined the expedition in 1741.<sup>60</sup> One year later, “Cuba,” a Negro servant woman to Mr. Isaac Turner, appears in the Scituate records. She was married to Jupiter, the Negro of Matthew Estis of Hanover, in 1742,<sup>61</sup> and in 1744 she was admitted to full communion in the Second Church of Scituate by Rev. Samuel Eells.<sup>62</sup> Tellingly, Cuba was not baptized before being accepted into the church-- a prior Roman Catholic baptism in a Spanish country would have sufficed, suggesting that “Cuba” was indeed from Cuba.<sup>63</sup>

In the seventeenth century, slave owners frequently assigned Biblical names to their slaves. In the eighteenth century, except for a few Old Testament names such as Asher, Nimrod, and Absalom, classical names like Jupiter, Primus, Cesar, Scipio, Pompey and Cato predominate. Although these names were selected by the masters, and as such were patronizing and sometimes derisive, interestingly, the only “Sambo” noted, a free Negro, who came from Middleboro, was recorded at the time of his marriage to Martha Chummuch in 1748, more formally, as Samuel Bo.<sup>64</sup> African day-names such as Cuffee (Friday), Quamino (Saturday) and Quashi (Sunday), became quite popular, and probably reflect the influx of African slaves to Massachusetts in the early 1700s.<sup>65</sup>

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<sup>60</sup> Barry, 103.

<sup>61</sup> *SVR*, II, 342.

<sup>62</sup> *2nd Church Records in Abstract*, 25.

<sup>63</sup> Note: “Cuba, a negro woman of Deacon Brooks age 84,” died in 1795. Dwelley, 183.

<sup>64</sup> *SVR*, II, 32. The man who dignified the groom’s name was Judge John Cushing. He was town clerk from 1719-1744, and from 1746 until his death in 1778.

<sup>65</sup> Piersen, 7. In 1796, Negroes Tranny and Cato of Scituate named their son, “Friday,” the Anglicized version of the African day name, Cuffee. *SVR*, I, 434.



The earliest freed slaves in Scituate began a system of patronymics, naming their children, for example, Margaret *Frank*, Joshua *Jemy*, Henry *Anthony*, and Dinah *Cato*.<sup>66</sup> But as early as 1719 some slaves in Scituate, such as Caesar Burges, Murriah Wells, and Thomas Douty, used the surnames of their masters. However, sometimes the surnames were spelled differently, differentiating the slaves from the masters, as for example Burges versus Burgess, and Douty versus Doughty. Slaves Thomas and Margaret Douty chose proper English names for their children at baptism: Judith, Margaret, Priscilla, Susannah, James and Thomas.<sup>67</sup> Another slave, Cuffee *Clapp*, the slave of Joseph *Clapp* was not as fortunate in choosing the name of his own son. In Cuffee's case there is evidence of coercion in regard to choosing the name of his first child, Couff, born in 1744. The surname *Clapp*, instead of the surname, *Grandison*, was entered into the record.<sup>68</sup> Slaves who had been recently freed often chose a name reflecting their newly freed status. For example, in 1753 Samuel Boo named his firstborn son, *Freeborn* Boo (emphases mine).<sup>69</sup>

In 1701 there had been only a handful of Negroes in Scituate, and many of them were free. By 1754, there were at least seventy-four Negroes, adults and children, in Scituate and virtually all of them were being held as slaves.<sup>70</sup> By the time of the 1765

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<sup>66</sup> One of the most famous examples of this is Paul Cuffe, the son of Cuffe Slocum. Greene, *NCNE*, 199. Paul dropped his master's surname, and took his father's given name.

<sup>67</sup> *SVR*, II, 50; I, 138.

<sup>68</sup> "Couff Grandison son of Couff Grandison and Floro his wife" is crossed out. Beneath it is written: "Couff Clapp son of Couff Clapp and Floro his wife." *Book 6a*, 174/ 220.

<sup>69</sup> *SVR*, I, 35.

<sup>70</sup> 1754 Slave Census. There were 43 Negro slaves over the age of sixteen in Scituate. A review of the town's vital records suggests that there were approximately 31 Negro slave children under the age of sixteen, bringing the total number of Negro slaves to 74.





census, after the slave imports to Massachusetts had peaked, there were “107 Negroes” (neither their age nor status was recorded) in Scituate.<sup>71</sup> Although the increasing demand for slaves made them such good investments that owners were loathe to part with them, by 1790 there were no slaves in Scituate and the black population of the town had dwindled to sixty-five.<sup>72</sup> What happened between the height of slavery in the mid-eighteenth century and its rapid demise at the time of the American Revolution is the subject of Chapter Four.

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<sup>71</sup> J.H.Benton Jr., *Early Census Making in Massachusetts 1643-1765: With a Reproduction of the Lost Census of 1765, Recently Found, and Documents Relating Thereto* (Boston: Goodspeed, 1905), n.p. Note: The county history is in error when it claims that in 1765 there were “107 African *slaves*, and 13 Indian *slaves* owned in Scituate.” [emphasis mine] Daniel Damon, “The History of Scituate and South Scituate,” *History of Plymouth County, Massachusetts* (Philadelphia: Hurd, 1884), 434. Blacks would have constituted 4% of the 2,600 people living in Scituate at the time.

<sup>72</sup> *Heads of Families at the First Census of the United States Taken in the Year 1790*, (Baltimore: Genealogical Pub. Co., 1973), 180-181.



CHAPTER 4

RELIGIOUS REVIVAL AND REVOLUTIONARY RHETORIC IN  
THE MID-EIGHTEENTH CENTURY: FREE THE SOUL, THEN FREE THE BODY

The first recorded baptism of a Negro slave in New England occurred in Boston in 1641. By the late 1600s Puritan ministers such as Cotton Mather were enthusiastically baptizing and instructing adult Negroes in the faith, and exhorting masters to Christianize their slaves. There was less resistance to converting slaves in New England than there was in the Anglican South because of the independent nature of each Congregational church as compared with the hierarchal nature of the Anglican Church. Additionally, Anglicans in New England were often hindered in their proselytizing by local Puritans, who, having fled religious persecution in England, distrusted Anglicans and “feared the establishment of an English Episcopate in America.”<sup>1</sup> Neither the Anglicans nor the Puritans legislated against slavery, but the Quakers eventually did, although it came too late to help the slaves of early Quaker families in Scituate such as the Wantons, Ewells, Cudworths, Colemans, Randalls and Barkers.<sup>2</sup> Most people in Scituate, however, were Congregationalists, members of either the First or the Second Parish Church.<sup>3</sup>

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<sup>1</sup> Lorenzo Greene, *The Negro in Colonial New England* (New York: Columbia University Press, 1942; reprint, New York: Atheneum, 1971), 270. St. Andrew’s Anglican Church was established in 1730 in Scituate (now Norwell). The Rev. Ebenezer Thompson baptized one Negro and one Indian infant there in 1764. Greene, *NCNE*, 271.

<sup>2</sup> *Old Scituate* (Chief Justice Cushing Chapter D.A.R., 1970), 76.

<sup>3</sup> The Second Parish, organized in 1642 in Scituate, became the First Parish of South Scituate in 1849. In 1888, it became known as the First Parish Church of Norwell.



As noted in Chapter Two, the seventeenth-century ministers of the First Church of Scituate were among the ecclesiastical elite and none of them owned slaves. In the eighteenth century, the position of the ministers of the First Church regarding slavery was compromised. The Reverend Shearjashub Bourn's son, Shearjashub Jr., was a slave trader out of Bristol, Rhode Island, but the elder Bourn, who ministered from 1724 to 1761, was evidently not a slave owner himself.<sup>4</sup> During the "Great Awakening,"<sup>5</sup> in the 1730s and 1740s, Bourn was responsible for bringing many slaves under the influence and protection of the church, although he, like many pastors in the Plymouth area, shunned the "New Light" preachers for exploiting peoples' emotions rather than shaping their convictions.<sup>6</sup> He implemented the so-called "Half-Way Covenant" in 1735 which allowed "baptized but unsanctified persons to have their children baptized, under the tutelage of a full member of the congregation."<sup>7</sup> Of particular importance was the new proposal that "servant's children [could] be baptized upon the faith of their masters ... they promising to bring them up in the nurture and admonition of the Lord." This new approach to conversions led to Bourn's baptizing 1,119 persons during his ministry.<sup>8</sup> Of the newly baptized, 27 were Negro adults, and 54 were Negro children.

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<sup>4</sup> George Howe, *Mount Hope A New England Chronicle* (New York: Viking, 1959), 103.

<sup>5</sup> The "Great Awakening" was an "emotional style of preaching" which "approximated the religious patterns to which Afro-Americans were disposed." For example, Sambo, a Negro servant, walked twenty miles from Middleboro to Plymouth to hear Whitefield preach. William Piersen, *Black Yankees* (Amherst: University of Massachusetts Press, 1988), 67, 69. "Samuel Bo of Medelbrow" settled in Scituate's Second Parish in 1748. *Vital Records of Scituate Mass. To the Year 1850*, vol. I (Boston: NEHGS, 1909), 31.

<sup>6</sup> *Marshfield: Autobiography of a Pilgrim Town* (Marshfield: Marshfield Tercentenary Committee, 1940), 94.

<sup>7</sup> Lawrence Towner, "A Fondness for Freedom: Servant Protest in Puritan Society," *William and Mary Quarterly* 19, no.2 (April 1962), 216.

<sup>8</sup> Clarence M. Waite, *Congregationalism in Scituate* (Scituate, MA: First Trinitarian Church, 1967), 29.



For example in 1738 and 1739, Sylva, a mulatto servant to widow Hannah Buck, and Cesar, Negro servant child to Joshua Young, were baptized on their mistresses' promise to educate them "in ye fear of God."<sup>9</sup> However, Bourn admitted only one black into full communion, Mariah, a mulatto woman and former slave of the Barkers who had been previously baptized by a Catholic priest. Bourn's successor at the First Parish Church, Ebenezer Grosvenor, minister from 1762 to 1780, was a slave-owner who, like Mather, emphasized the heavenly rewards awaiting the faithful servant, while condoning slavery on earth. Grosvenor's "Negro Fellow Primus," who died in 1769 at the age of twenty-five, was the topic of one of Grosvenor's sermons on slaves who had to endure the "Drudgeries of this Life," but who would have "noble employments" in the afterlife.<sup>10</sup>

The Second Church, whose ministers were equally well-educated, was cast in a different, more liberal tradition. The Reverend Nathaniel Eells, pastor from 1704 to 1754, was the first of a long line of progressive thinkers culminating in the nineteenth-century ministry of Samuel J. May, an ardent abolitionist. Eells, who served his flock for forty-six years, was "probably the best beloved of all the ministers who have lived in Scituate either before or since his time." Although Eells baptized fewer Negroes than his counterpart in the First Parish--20 children and 17 adults--he admitted 7 adult Negroes to full communion.<sup>11</sup> This was an impressive accomplishment: not only was Eells drawing from a smaller population, but slaves, as candidates for admission, "had to demonstrate both Christian character and a solid knowledge of scripture before baptism."<sup>12</sup>

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<sup>9</sup> Nat'l Pytcher His Booke Anno Domini 1707/ Register of BMD 1723-1761, 28, 31.

<sup>10</sup> Grosvenor also owned a Negro woman named Prudence who married Portroyal, a slave of Benjamin House. Waite, 36. *SVR*, II, 343.

<sup>11</sup> Anthony Sisco, his wife Pheby, Patience Lamb, Cesar, Dick, Cuba, and Leah Foster.

<sup>12</sup> Harvey Pratt, *The Early Planters of Scituate* (Scituate Historical Society, 1929), 84;





Eells' ministry was so effective that a larger church was needed by 1739.<sup>13</sup> In the new church, the plain benches were replaced with more elaborate and private pews, and with this change came the "touchy question of social rank." The wealthier and more socially prominent parishioners sat up front; the poor folk and white servants sat in back. Negroes and Indians were set apart up in the gallery.<sup>14</sup>

The effect of religion on the lives of Scituate's slaves is difficult to calculate. Certainly, had it not been for Eells' intervention, Mariah would not have been able to free her daughter Molley. During his forty-six years of ministry, the Puritan ethos was kept alive, contributing to the fact that many former slaves, from both ends of town, clustered in the environs of the Second Parish Church following emancipation. Eells' successor, the Reverend David Barnes, who served from 1754 to 1809, was known as "a liberal Christian...much in advance of his day."<sup>15</sup> Although there is no evidence in the public record that Barnes owned slaves, according to the testimony of Rachel Leonard in 1809, he evidently did. Rachel, when applying for assistance from the town, identified herself as being the daughter of Cato Leonard, a slave of the Leonard family. She stated that Barnes "bot" her from the Leonards.<sup>16</sup> Most likely Barnes's wife, Mrs. Rachel Clapp Leonard, a widow, brought some slaves with her when she married Barnes in 1756.<sup>17</sup>

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Piersen, *Black Yankees*, 149.

<sup>13</sup> Joseph Foster Merritt, *A Narrative History of South Scituate-Norwell Massachusetts* (Rockland, MA: Rockland Standard, 1938; reprint, Norwell: Norwell Historical Society, 1987), 172.

<sup>14</sup> George F. Willison, *Saints and Strangers* (New York: Time, 1964), 397.

<sup>15</sup> *Old Scituate*, 172.

<sup>16</sup> Letters of the Overseers of the Poor of the Town of Scituate. According to a letter written in 1809, the year of Barnes' retirement, Rachel Leonard was then living in the Boston Alms-House.

<sup>17</sup> *SVR*, II, 20. At the time of the 1790 census, two non-white persons were living in Barnes' home, one of whom was probably Rachel.



Evidently Rachel was dismissed when Barnes retired in 1809. In any event, slaves such as Rachel, Primus, and Prudence who lived with the Barnes and Grosvenor families, undoubtedly had a better quality of life than slaves in large slave-owning families.

The largest slave-owning family in Scituate were the Otises. As noted previously, one branch, Drs. Isaac and James Otis, lived near the village center of the south end of town. Another branch of the Otis family lived further west near the Hanover line in a home set back from the road in the woods off of what is now called Pleasant Street in the “Wildcat” section of town. Here lived Job, Otis, yeoman, with his Negro slaves-- Dick, who married Grace in 1725, and Winsor who married Jenny, a slave of Capt. Barker in 1737. Both men, “Dick alias Richard, a Negro man labourer, and Winsor a Negro man, labourer,” were convicted of stealing trees with their master, Job Otis, in March 1734/5.<sup>18</sup> Ephraim, the son of Job Otis and his wife Mercy, came to live here in 1732, bringing with him the two slaves from the dowry of his wife Rachel Hersey of Hingham.

Ephraim’s son, Dr. Ephraim Otis Jr., married a Quaker, as did his brother Daniel. Daniel’s wife, Mary Greene, was a “Quakeress of great charm.” Supposedly, “the old colored servant,” upon the death of Mary, so loved his mistress that he “begged to buried at her feet when he died.”<sup>19</sup> What is not mentioned in the apocryphal tale is that Mary’s husband, Daniel Otis, was an abusive man. His nickname was “Peppermint” Otis because he compounded remedies and made peppermint candy and sold these items in an ell

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<sup>18</sup> *SVR*, II, 341, 342. *Plymouth Court Records 1689-1859*, David Konig, ed., (Wilmington, DE: Michael Glazier, 1979), vol.5: 536.

<sup>19</sup> *Old Scituate*, 122. Surprisingly, there is a precedent for this paternalistic portrayal of slave life. Tootoo, a former Negro slave of Yarmouth, did request in his will of 1691, “to be buried neer his mistres' feet as may conveniently be.” *Plymouth Colony Wills and Inventories*, (typescript) vol.4, set 753, 1938.



behind the house. He reportedly bound one slave's mouth with a leather gag so he would not be able "to sample the goodies."<sup>20</sup> Understandably, most slaves would have preferred the company of his wife, even in the grave. The extended Otis family owned the following slaves: Sarah, Gad, Asher, Mercy, Olive, Zilpah, Betty, Ruben, Tony, Phillis, Robert, Dick, Grace, Patience, Winsor Sr., Winsor Jr., Peggy, Jenny, and Chloe.

In the period preceeding the American Revolution, the issue of Negro slavery began to be debated. The first anti-slavery arguments were religious, and the proponents were Presbyterians, Congregationalists and Quakers. But "it was men rooted in a specifically Puritan tradition who advanced the equation of slavery and sin;" the idea of "Divine vengeance in the form of the Revolutionary War" was a uniquely New England concept.<sup>21</sup> The other argument involved the rights of man. In 1761 John Otis (of Boston) took the position "that the colonists, black and white, born here, are free-born British subjects and entitled to all the essential rights of such." Following his lead, "a few bold spokesmen like the Reverend Isaac Skillman, who appealed for the rights of man in his oration 'upon the Beauties of liberty,' included the black man in their cries for Justice."<sup>22</sup> Not all arguments were rhetorical; John Adams stated bluntly that "his personal abhorrence of slavery had cost him 'thousands of dollars for the labor and subsistence of free men, which [he] might have saved by the purchase of Negroes at times when they were very cheap.'"<sup>23</sup>

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<sup>20</sup> *Historical Homesteads of Norwell, Massachusetts* (Norwell: Norwell Historical Society, 1992), 125-6. Although in England at this time, gentlemen could purchase "silver padlocks and collars for Blacks or Dogs," Dow, 297, Otis was sadistic, not ostentatious.

<sup>21</sup> Winthrop Jordan, *White Over Black*, (New York: Norton, 1977), 300.

<sup>22</sup> Sidney Kaplan and Emma Nogrady Kaplan, *The Black Presence in the Era of the American Revolution* (Amherst: University of Massachusetts Press, 1989), 16.

<sup>23</sup> Leon Litwack, *North of Slavery* (Chicago: University of Chicago Press, 1961), 5.





In 1767 Nathaniel Appleton, a Boston candlemaker with “impeccable Puritan credentials” published an anti-slavery tract that was “both shrewdly argued and passionately conceived.” Appleton “direct[ed] his argument to capitalize on the erupting passions of his society, noting the “hypocrisy of a slave society pleading for liberty ... unlike Sewall, who wrote as if the horrors of slavery were already known, Appleton vividly detailed them: ‘Oh! Methinks I hear their screeches, rending the very Heavens, when these horrid scenes take place.’”<sup>24</sup> Just such a scene was recounted by Cuffee, a slave of Col. Joseph Joselyn of Hanover, who was captured on the coast of Africa. One local man described “how [Cuffee] looked when we were very small and listened to his sorrowful tale of being kidnapped in his own country when as a child he was playing in the surf, his mother watching that no harm befell him, when sailors landed from a large ship, seized him and carried him on board, while his mother stood on the shore wringing her hands and screaming for her little boy that she was never to see again.”<sup>25</sup> By 1769 some white colonists in New England were openly questioning how they could desire freedom for themselves while they were enslaving others. The entire colony was in a “feverish state of excitement,”<sup>26</sup> and a rash of freedom suits ensued.

One of the first freedom suits in Plymouth County was that of Abraham Colden, a Scituate labourer, who sued Benjamin Stockbridge, a Scituate physician, in April 1772, for keeping him in servitude from 22 May 1736 to 22 January 1772. Stockbridge claimed

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<sup>24</sup> Bernard Rosenthal, “Puritan Conscience and New England Slavery” *New England Quarterly* 46 no.1 (March 1973): 72-75.

<sup>25</sup> Jedediah Dwelley and John F. Simmons, *History of the Town of Hanover, Massachusetts* (Hanover: Published by the Town, 1910):184-185. Cuffe Joselyn was almost 100 years old when he died at the house of Thomas Damon.

<sup>26</sup> George W. Williams, *History of the Negro Race in America 1691-1789*, 2 vols.(New York: Putnam, 1883; reprint, New York: Arno Press, 1968), 204, 205.



that he had purchased Abraham from Margaret Tilden, relict of Nathaniel,<sup>27</sup> and indeed one “Negro or mulatto *slave*” (emphasis mine) was listed in the inventory of the late Nathaniel Tilden in February 1731/ 2.<sup>28</sup> This is one of those rare times that the term “slave” is explicitly used and may well have caused Abraham Colden to lose his lawsuit.<sup>29</sup> In another similar case in April 1772, Prince Tillage, a Scituate labourer, sued Benjamin Jacobs, a Scituate yeoman, claiming that Jacobs used force of arms to beat and hold him from 1 March 1762 to 6 March 1772 “in the basest servitude against his will.” Jacobs claimed that Prince was a servant for life whom he bought from Josiah Cushing. The court found for Tillage.<sup>30</sup>

From 1773 to 1777, four petitions were presented to the provincial court by blacks seeking freedom from servitude; the first was based on religious grounds, the others on the universality of natural rights. The first petition was particularly moving and reflected the harsh reality of slavery--the destruction of the slave family. It reads in part: “our children are also taken from us by force and sent many miles from us [where] we seldom

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<sup>27</sup> *Plymouth Court Records*, vol.8: 402.

<sup>28</sup> Plymouth County Probate Records, vol.6: 136. Interestingly, a later inventory taken in 1732/3 lists three persons: a “Negro woman servant,” a “black servant boy,” and a “Negro boy slave.” Again, a clear distinction is being made in their status, which is reflected in their estimated worth: £20, £13, and £30, respectively. The servants may have been valued at the amount of time left, although it is not mentioned. *Ibid.*, 6, 328.

<sup>29</sup> Abraham, “a Negro aged about 70 [died] of old age, the palsy & relicks of Omerial Disease in January 1786.” *Scituate, Massachusetts, Second Church Records (in Abstract) 1645-1850* (Boston: Wilford J. Litchfield, 1909), 87.

<sup>30</sup> *Plymouth Court Records*, vol.8: 402. There was another lawsuit involving a slave named Prince Warden, which Higginbotham claims was brought against William Cushing. Higginbotham, 95. Higginbotham errs here. Prince’s master was Robert Luscombe. The letter to which Higginbotham refers, written by Robert Treat Paine, Attorney General of Massachusetts, was addressed to Robert Luscombe of Bristol, not to William Cushing, of Scituate. Paine Papers, letter dated 21 August, 1779.



or ever see them again.”<sup>31</sup> The people in several Massachusetts towns, such as Worcester, responded to these arguments and petitions by instructing their representative to “put an end to that unchristian and impolitic practice of making slaves of the human species.” Boston, which contained “almost as many slaves as the rest of Massachusetts, did likewise.”<sup>32</sup> The inhabitants of Pembroke wrote to their representative, John Turner, in 1773 that they thought “the negro petition reasonable, agreeable to natural justice and the precepts of the Gospel” and asked that he find a way in which “[the slaves] may be freed from slavery, without a wrong to their present masters, or injury to themselves.”<sup>33</sup>

A dramatic shift in public opinion had taken place; where at one time some townsmen had been committed to, or complicit in the the practice of slavery, there was now a groundswell of support for eradicating it. Beginning in the mid-eighteenth century, several free Negroes were living in Scituate; some men came from neighboring towns to marry Scituate women.<sup>34</sup> By the 1770s, free blacks comprised 40 percent of the black population of Massachusetts;<sup>35</sup> however, many of them were unprepared for economic independence.<sup>36</sup>

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<sup>31</sup> Greene, *NCNE*, 217.

<sup>32</sup> Lorenzo Greene, “Slave-Holding New England and its Awakening: Colonial Period,” *Journal of Negro History* 13, no.4 (October 1928): 525.

<sup>33</sup> Henry Wheatland Litchfield, *Ancient Landmarks of Pembroke* (Pembroke: George Edward Lewis, 1909), 51.

<sup>34</sup> In addition to the previously mentioned Samuel Bo, a free Negro of Middleboro who married Martha Chummuch in 1748, there were marriages in Scituate from 1751 to 1776 between free Negroes William Gold and Lois Moses; Moses Toto and Sarah Whood; John Phillips of Bridgewater and Silus Tailer; Joseph Nicolson and Tamer Cato; Issacher Cato and Diner Comset; Nero Rider of Hingham and Sarah Comset; Peter Boardman of Hingham and Tamar Cato. *SVR*, II, 64, 69, 72, 75, 78.

<sup>35</sup> Thomas J. Davis “Emancipation Rhetoric, Natural Rights, and Revolutionary New England: A Note on Four Black Petitions in Massachusetts, 1773-1777,” *New England Quarterly*, 62, no.2 (June 1989): 251.

<sup>36</sup> Caesar, the former slave of Joseph Humphrey of Hingham, was one of the fortunate





The first draft of the Massachusetts State Constitution in 1778 did not include a Bill of Rights, however, the 1780 version did, and it spurred on the anti-slavery movement. Furthermore, the increasing frequency of successful challenges to enslavement caused slaveowners to lose confidence in their ability to continue holding Negroes in bondage. In light of the rising sentiments of the public against slavery and the escalating rhetoric surrounding the natural rights of man, some slaves asked for their freedom and received it; others just walked away. The published petitions by blacks fueled the anti-slavery campaign. Although “no court specifically and clearly ruled that slavery was unconstitutional,” one case is cited by historians as being pivotal to the general emancipation which soon followed.<sup>37</sup> In 1783, William Cushing, Chief Justice of the Superior Court of Massachusetts, addressed the jury in the Quock Walker case:

As to the doctrine of slavery, and the right of Christians to hold Africans in perpetual servitude, and sell and treat them as we do our horses and cattle has been heretofore countenanced by the Province laws...but a different idea has taken place with the people of America, more favorable to the natural rights of mankind, and to that innate desire of liberty, with which Heaven, without regard to color, complexion or shape of feature, has inspired all the human race... This being the case, I think the idea of slavery is inconsistent with our own conduct and Constitution; and there can be no such thing as perpetual servitude of a rational creature, unless his liberty is forfeited by criminal conduct, or given up by personal consent or contract.<sup>38</sup>

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ones; he was provided with the means to make a living: “11 acres of land, a horse and saddle, 3 steel traps, a wharry, and a yoke of oxen.” George Lincoln, *History of the Town of Hingham, Massachusetts* (Somersworth: New England History Press, 1982), 361. A “wharry,” or wherry, is a small rowing-boat.

<sup>37</sup> David Brion Davis, *The Problem of Slavery in the Age of Revolution 1770-1823* (Ithaca: Cornell University Press, 1975), 319. There are two versions of Cushing’s charge: the first is in the Cushing Notebook at the Massachusetts Historical Society and a second, more polished version, at Harvard University Law Library. Robert M. Spector, “The Quock Walker Cases (1781-83)--Slavery, Its Abolition, and Negro Citizenship in Early Massachusetts,” *Journal of Negro History*, 53, no.1 (January 1968): 16.

<sup>38</sup> Henry Flanders, “Life of William Cushing,” *The Lives and Times of the Chief Justices of the Supreme Court of the United States* (Philadelphia: J.B. Lippincott, 1858), 32.





Many male slaves who were not released as a result of this verdict were freed by virtue of their service in the Revolutionary War. Some 572 black men participated in one or more branches of military service in Massachusetts.<sup>39</sup> Among the first men from Scituate to sign up in the Continental Army was John Williams, probably a descendant of one of the two adopted Indian boys of John Williams.<sup>40</sup> Other men of color from Scituate who enlisted from 1776 to 1781 were: Calla Brown, age 44; Winsor Little age 17; Nehemiah Samson, age 16, and Zeba Sutton age 17--all in Lt. Col. Hall's regiment. Joshua Compset, an Indian, age 26 (the husband of Mary Newell), served in T. Cushing's Co., Col. Cushing's Regiment.<sup>41</sup> Comsett and Freeman, as well as Levi Newell, were part of "the quota furnished by the town."<sup>42</sup> Others who served in 1777 in the Rhode Island campaign in Capt. Hayward Peirce's Company were Ishmael Buker, Primus Ripley, and James Comsett (Indian).<sup>43</sup> Yeoman Richard Gunderway, a free Negro from Scituate, enlisted in the army at "Hutts, New Boston," on May 13, 1782 and served in Col. Michael Jackson's Regiment.<sup>44</sup> Private Windsor Buker, the "former slave of Capt. Barker" signed up, in 1777, at age 17, for three years' service in Capt. Nathaniel

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<sup>39</sup> James Deetz, *In Small Things Forgotten* (New York: Anchor Books, 1996), 189.

<sup>40</sup> "Volunteers Enlisted in the Continental Army During Winter of 1775-6 From the Town of Scituate, Mass.," NEHGR, 20 (January 1866): 20-21.

<sup>41</sup> From a "List of soldiers identified as 'Negro,' 'Black,' or 'Mulatto' compiled from recruiting documents in the collection of the Pilgrim Society, by Jeremy D. Bangs, Visiting Curator of Manuscripts."

<sup>42</sup> Pratt, 209. These men were furnished "under the resolve of the General Assembly December 2, 1780, for three years' service. They saw the end of the war."

<sup>43</sup> These names were taken from a list compiled by Mrs. Clara Turner Bates from the volumes of *Soldiers and Sailors of Massachusetts*. *Old Scituate*, 266-275.

<sup>44</sup> *Massachusetts Soldiers and Sailors of the Revolutionary War* (Boston: Wright & Potter, 1899), 950. Gunderway was born in Pembroke near John Turner Esq., who testified in Gunderway's pension application that Gunderway had been discharged by General Knox. Revolutionary War Pension Applications, letter dated June 16, 1819.



Winslow's Company, Thomas Marshall's Regiment. Asher age 19, a "slave of Nathan Cushing Esq.," also joined this Company.<sup>45</sup>

In 1781 Asher re-enlisted in the army in Plymouth at age twenty-three under the name Asher Freeman, taking a surname which reflected his newly won freedom. Asher's former master, Nathan Cushing, was a cousin of William Cushing. Reverend William Tilden recalls that Judge Nathan, a kind and neighborly man and a "brave patriot in the Revolution," lived in a fine old mansion. Tilden recalls that "Aunt Lizzie ... a domestic in the household, a sort of general see-to-everything, was my special favorite. Perhaps it was her seedcakes and other dainties which lent a charm to our intimacy, that lodged her pleasant face in my memory."<sup>46</sup> Asher Freeman left the comforts of this home when he married Dinah (Comset) Cato in 1781 and set off on his own. They had six children: Lemuel, Sarah, Joshua, James, Nancy and Asher.<sup>47</sup>

Cuffee, Charles and Simeon, the sons of Cuffee and Floro, slaves of the Clap family, also served in the Revolution. Cuffee Clap, at age thirty-four, was a private in Capt. Newcomb's (Independent) company, stationed at Hull on March 1, 1777.<sup>48</sup> Charles and Simeon both enlisted under the surname Grandison in New Providence, near Adams,

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<sup>45</sup> From a typescript of "North River Recruits" located at the Scituate Town Archives.

<sup>46</sup> *Old Scituate*, 56-57.

<sup>47</sup> Asher entered into two intentions to marry Dinah. The first, by "Asher, a slave of Nathan Cushing," recorded in 1777, was cancelled. However, he and Dinah had a son, Asher, in 1777; the second intention, initiated by "Asher Freeman" in 1781, resulted in marriage. *SVR*, II, 340; I, 158. Asher Freeman Sr. died in poverty in 1820. He left only "a coat and trousers;" his widow received a payment of \$12.33 from the government for his military service. Dinah died in 1828, predeceased by three of their children. *PCPR*, 32, 3.

<sup>48</sup> *Soldiers and Sailors*, 479. Cuffee Clap was born in 1743. He was probably the "Cuff of Nantasket" who married Margaret, a Negro servant of widow Jenkins of Scituate in 1761. Between 1761 and 1781 they had 3 children: Harriet, Abigail and Reuben. Abigail married Prince Freeman in 1789. Harriet married Benjamin Brooker in 1791. Reuben died of smallpox in 1793. Cuff died in 1810; his widow died in 1825. *SVR* II, 133, 392.



in western Massachusetts. How and when they went to the western part of the state is not known, but both enlisted for three years in Capt. Angel's company, Col. Seth Warner's Regiment. They were mustered in on July 5, 1776 and served in New York and Vermont. Charles was discharged on December 31 1780, having been taken to Quebec as a prisoner of war on September 2, 1779 and detained for over a year.<sup>49</sup> He settled in Adams, where he and another person, probably his wife, were living in 1790 and in 1800. No trace of Charles Grandison is found after 1800; presumably he died in Adams.

Simeon Grandison was at the "taking of Burgoyne" at Saratoga in the fall of 1777, as was his friend Asher Freeman, who later testified in a pension application that he saw Grandison frequently while both were stationed at Fort Ticonderoga. Simeon was discharged February 14, 1780,<sup>50</sup> and returned to the Scituate area after the death of his former master, Job Clap.<sup>51</sup> He married Charety Thomas on April 23, 1781 in Marshfield, and probably visited his brother, Couff, whose son, Reuben, was born in Scituate on February 20, 1781.<sup>52</sup> Simeon returned to western Massachusetts and settled next to his brother, Charles, in Adams where they all lived until at least 1790.<sup>53</sup> Simeon was living in Scituate with a second wife and children by 1820.<sup>54</sup>

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<sup>49</sup> *Soldiers and Sailors*, 714-15.

<sup>50</sup> Revolutionary War Pension Applications. (microfilm) Letter dated 4. 27.1818.

<sup>51</sup> Job Clapp's inventory 21.3.1781: "5 negroes, old and young." PCPR, 28, 44.

<sup>52</sup> *Vital Records of Marshfield, Massachusetts*, Robert M. and Ruth Wilder Sherman, comps., (Camden, ME: Picton Press, 1993),165. *SVR*, I, 164.

<sup>53</sup> Charles Grandison and one "other free person" are listed as living next to Simeon and seven "other free persons" in Adams and Windsor, Berkshire County, Mass. *1790 Census*, 23. Charles and his wife are listed in the 1800 Census of Adams, but Simeon is not. No Grandisons are listed anywhere in the 1810 Census of Massachusetts.

<sup>54</sup> Cuffe Grandison and three other persons are listed in the 1800 Census of Scituate. The names of individual blacks were omitted from the 1810 Census; Cuffe died in August, 1810. The 1820 Census of Scituate lists Simeon Grandison and two other persons.





Local lore has it at the end of the Revolutionary War, “a typical Southern Negro, accompanied by a white woman, appeared in town and settled in [Cuffee Lane.]”<sup>55</sup> Another rumor had it that he had come from the western part of the state and had served in the army. Indeed, he had come from Adams and had served in the war and had married a white woman,<sup>56</sup> but he was no “typical Southern Negro.” Simeon had been born on the Clap family’s farm and was returning to his ancestral home. He took over a hut at the end of “Cuffee’s lane” which had been used at one time to house “French Neutrals” (Acadians.)<sup>57</sup> The hut and the cart path leading from Black Pond had been in the Clap family for generations, and now Simeon, the son of Cuffee, a slave of Joseph Clapp, was coming home to stay. Simeon had taken the surname Grandison that Cuff Clap Sr. had chosen for his first child’s surname in 1743.<sup>58</sup> Simeon had a son, Charles, born in 1805,<sup>59</sup> who married a cousin, Harriot S. Freeman, a daughter of Cuff’s daughter Abigail Grandison and her husband, Prince Freeman. Although Charles became a prosperous farmer, his father was not as well off. Simeon was “a day labourer” and in 1820 his real estate consisted of only “1 acre poor land & a house on the same-personal estate-3 old

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<sup>55</sup> Merritt, *Narrative History*, 141.

<sup>56</sup> She was Mary Woolsey, who was, according to her death record, “a white woman, age 64, of respectable parentage & connection-they were of New York state.” Entry dated Nov. 18, 1833. Norwell Papers: First Parish Church Records 1642-1929, n.p.

<sup>57</sup> In 1755 or 1756 forty refugees were sent to Scituate, fourteen of whom were lodged on the farm of Joseph Clap of Black Pond Hill. *Old Scituate*, 81-83.

<sup>58</sup> The origin of the name is unknown, but it may well have to do with the nineteenth-century evangelist, Rev. Charles Grandison Finney. Finney, the “son of a Revolutionary veteran,” was born in Warren, Connecticut in 1792; his “pietistic sectarianism” came from his Pilgrim forebears. William G. McLaughlin, ed. “Introduction,” *Lectures on Revivals of Religion by Charles Grandison Finney* (Cambridge: Belknap Press of Harvard University Press, 1960), vii-x

<sup>59</sup> Simeon also had two daughters: Nancy, who died in 1817 at age fourteen and Mary, who was born in 1812. *SVR*, II, 392.



chairs-1 table-1 chest of drawers- ironware- pr. of broken dogs- wooden earthenware-1 hog,- knife, fork, spoon.”<sup>60</sup> Simeon Grandison died in 1835 at age eighty-four.<sup>61</sup>

Tradition also maintains that “the slaves of the Clap Families grew so large that they could no longer be supported” and were “given portions of land from the large Clap grant of early days, and allowed to shift for themselves.”<sup>62</sup> The tract was located in the south section of White Oak Plain, not far from the Otises. “Wildcat,” as it is still known today, was the site of a Negro settlement up to and including the mid-1900s.<sup>63</sup> Patty Clapp was probably from this section of town. Polly (Patty) Clapp, daughter of Prudence Clapp, married Fruitful Sylvester in 1795.<sup>64</sup> Fruitful was “a negro born of a slave in the service of Mr. Sylvester who lived on the Chittendon Place during the Revolution.”<sup>65</sup> He was born around 1765 and had at least five siblings who lived to ages forty-four to seventy-five. They must have remained intact as a family because they are all buried together.<sup>66</sup> The Sylvester family was indeed “fruitful,” six of their nine children lived into adulthood, and several more generations of their family continued in the “Wildcat”

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<sup>60</sup> Revolutionary War Pension Applications, form dated 17.7.1820.

<sup>61</sup> He is buried in the First Parish Cemetery of Norwell.

<sup>62</sup> The Claps in this area were Nathaniel Clap, Samuel Clap, his son Deacon Stephen, and grandson Thomas Clap. Thomas Clap was President of Yale; he retired in 1765 and died in Scituate in 1767.

<sup>63</sup> *Old Scituate*, 103.

<sup>64</sup> Patty Sylvester, daughter of Prudence Clapp, died in 1846 at age 78 years and 7 days. (born ca. May 4, 1768) *SVR*, II, 449.

<sup>65</sup> L. Vernon Briggs, *History of Shipbuilding on the North River, Plymouth County, Massachusetts*, (Boston: Coburn, 1889; reprint, Norwell, MA: Norwell Historical Society, 1975), 255.

<sup>66</sup> Fruitful’s siblings, born between 1762 and 1778, were: Catherine, Edna, Hittee, and Rhoda Sylvester, and Venus Sylvester Manning. *Index to the First Parish Cemetery of Norwell, Massachusetts* (Norwell: South Shore Genealogical society, 1987), 44. The owners of Fruitful’s and Patty’s parents have not yet been identified, but Patty and Fruitful, and his siblings, are buried in the Clapp family plot near a large monument to Sylvanus Clapp, son of Nathaniel Clapp, born in 1839.



section of town well into the twentieth century. But, as was the case in other families of color, only the males, Ichabod and Peter, found marital partners; their sisters remained single. Two of them, Patty and Katy Sylvester, became founding members of the Church Hill Methodist Church.<sup>67</sup>

Not all former slaves lived in the south part of town; Prince Freeman remained near his former mistress, Mme. Hannah (Phillips) Cushing. Mme. Cushing lived on a four hundred acre estate at Walnut Hill. Her husband, William Cushing, was “a learned theologian, well acquainted with the controversies of the day and though far from gathering heat in those controversies, was conspicuously on the side of liberal Christianity.”<sup>68</sup> In 1775, just before the outbreak of the Revolutionary War, he was appointed to the Supreme Judicial Court of Massachusetts, serving as Chief Justice from 1777-1789; in 1789 he was appointed Associate Justice of the United States Supreme Court. This office required Cushing to travel to various courts from Maine to Georgia, accompanied by his wife, Hannah and his coachman, Prince. Prince had been given to Hannah Phillips of Connecticut by her father on condition that “she shall take him up to be christened.” Although Prince’s parents “had been slaves in the family,”<sup>69</sup> he may

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<sup>67</sup> Fruitful’s children were: Ichabod, Patty, Bristol, James, Philo, Katy, Lydia, Peter and Thomas Sylvester. Only Lydia and Peter married. Lydia married Jerry Gunderway, the son of Richard Gunderway, the Revolutionary War veteran. Peter married Emma Franks, a “mulatto” woman from Hingham, and they had four children: Charlotte H., Elisa J., Mary L., and Charles T. Sylvester. *SVR*, I, 351-2; II, 286.

<sup>68</sup> Lemuel Cushing, *The Genealogy of the Cushing Family* (Montreal: Lovell, 1877), 33.

<sup>69</sup> *Old Scituate*, 54. It was the custom in those days for a father to give his daughter, “a female slave to do her housework,” at the time of her marriage. Ebenezer Clapp, comp., *Record of the Clapp Family in America* (Boston: David Clapp and Son, 1876), 299. However unlikely, Prince was part of Hannah’s dowry; he, like his mistress, was born in Connecticut. The entry for his daughter reads: “Harriat Granderson, 86, wd., born MA, mother [Abigail Grandison] born MA, father [Prince Freeman] born CT.” Federal Census of the United States; South Scituate, Plymouth County, Massachusetts, 1880.



himself have been free by the time he was accompanying Judge Cushing on his circuits,<sup>70</sup> all the more reason to love his master with unbounded affection. Had Prince not been a free man he had ample opportunity to escape on horseback. For example, when he and Cushing were en route to Charleston, they stopped at General Phillip's house in Connecticut. There Prince was sent fourteen miles to exchange a lame horse for Cushing's "breeding mare."<sup>71</sup> Another Cushing slave, Dick, "the colored servant of his father, Judge John Cushing, also moved about freely on horseback. On the days when the post-rider was expected, Dick would leave the home at Walnut Tree Hill, pass through 'Mr Neal's gate' along the private road leading to the old farmhouse, and there find the letters for which the old man was anxiously waiting, from his son Judge William."<sup>72</sup> Other slaves stayed at home.

The other Cushing slaves, including a "great kitchen full of [negroes], family servitors bequeathed to Judge and Madame Cushing,"<sup>73</sup> stayed on even after emancipation,<sup>74</sup> for Cushing wrote home to his wife in 1796 to "keep the girls in order and sober" during his absence.<sup>75</sup> After Justice Cushing's death in 1810, his widow continued to live in their Walnut Hill mansion for the twenty-four years of her widowhood, "faithfully attended by their colored servants." The names of these servants

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<sup>70</sup> On a deed dated 1788 Prince is referred to as the "former" slave of William Cushing.

<sup>71</sup> From a letter dated August 4, 1798, Newark, New Jersey, from William Cushing to his brother, Charles in Boston. Cushing Papers.

<sup>72</sup> *Old Scituate*, 63. Some of the letters were addressed to his distant cousin, Judge Nathan Cushing, a Judge of the Admiralty during the Revolution, who lived some two miles to the westward at Henchman's Corner.

<sup>73</sup> *Old Scituate*, 54.

<sup>74</sup> They were the six "other free persons" living with the Cushings. *1790 Census*, 181.

<sup>75</sup> Cushing Papers, letter dated 20.7.1796.





have been lost except for “Scipio and Alice, [who were] both remembered in later years.”<sup>76</sup> Upon her death, the minister noted Alice ‘Buker,’ familiarly known as ‘black Alice’ once a servant of Judge and Madame Cushing & in other families said to be, by some, 103 years old...a faithful hard-working woman having had two or three husbands & eighteen children.”<sup>77</sup> “Scipio Africanus, Negro servant to the Hon. William Cushing, being dangerously sick, was baptised privately,” on August 27, 1807,<sup>78</sup> probably at the Cushing residence. But Cushing’s former slave Prince Freeman and his family lived independently nearby.

In 1788, “equal halves” of a parcel of land with a dwelling house, part of the Vinal farm in Scituate, were purchased from Thomas Studley, mariner, by “Saul Tilden, a Negro” and “Prince Freeman of Scituate, Negro, formerly belonging to the Hon. William Cushing.”<sup>79</sup> The variety of names by which Prince was known during the period of 1788 to 1798 reflect the period of transition that slaves experienced after the abolition of slavery in Massachusetts in 1783. He first appears on the tax list of 1790 as “Prince Cushing, Negro;” from 1793 to 1797 he is listed as “Prince, Negro.” Then in 1799, for the first time, a “Prince Freeman” appears on the list, and he remains on the list through the year 1812. It took a while for newly emancipated slaves such as Prince Freeman and Asher Freeman to establish individual identities separate from their masters’.<sup>80</sup>

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<sup>76</sup> *Old Scituate*, 50.

<sup>77</sup> Funeral note August 1, 1878 from Norwell Papers, n.p. Indeed, Mrs. Alice (nee Lee) Freeman Tue Brooker was married three times--1806, 1816 and 1834, and had at least nine children. George Lee; Joseph, Joshua, John and Alfred Freeman; Harriot Williams, Hamilton and Amy Tue have been identified to date.

<sup>78</sup> Nat’l Pytcher His Booke, 68.

<sup>79</sup> Plymouth County Deeds, 69, 64. Another parcel was sold to Prince Freeman, yeoman, by William Studley in 1800. Plymouth County Deeds, vol. 88: 205.

<sup>80</sup> State Bills: Box RG501, series 35A.



Although slavery had officially disappeared by 1790,<sup>81</sup> freedom had little beneficial effect on the economic lives of these former slaves. Whereas provisions were mandated by law for the maintenance of old slaves, no such protection aided the emancipated slaves. For example, Charles Turner, in his will of 1782, instructs his heirs to provide support for “a Negro woman Silas Burges which my estate is bound to maintain.” In the 1789 will of Barnabas Little, gentleman, Little requests that his sister, Mercy Otis, wife of Job Otis, “support my Negro Woman called Tent during her life.”<sup>82</sup> Emancipated slaves, on the other hand, had no such protection. For example, Little’s slave, Jenny, (probably Content’s daughter), worked as a domestic until 1839 when she wrote asking to be taken in by the Otis family, descendants of her former owner.<sup>83</sup> As Greene observes, because it was particularly difficult for blacks to secure work; many remained with their former masters; “this was true particularly where a close bond of attachment existed between the bondsman and the Master.”<sup>84</sup> For example, Jack and Billah, slaves of the Hobart family, asked to be taken back because “they could find no employment, and no

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<sup>81</sup> One anecdote suggests that the real reason that there were no slaves in Massachusetts is because the Federal Marshall in charge of surveying the district of Massachusetts, when inquiring if slaves were living on the premises, if answered in the affirmative, would ask if they meant to be “singular” (a rarity); the owner would thus respond in the negative. George Moore, *Notes on the History of Slavery in Massachusetts* (n.p.Appleton, 1866; reprint, New York: Negro Universities Press, 1968), 247. (This is probably an apocryphal tale, but no doubt people felt pressure on themselves to not own slaves.)

<sup>82</sup> Plymouth County Probate Records, 28, 500; 31, 98. We do not know what happened to Content’s husband, Winsor, or to her other children, Robert, Patience, Peggy, or Chloe, all slaves of Job Otis. “Black Tent” died in 1793. *SVR*, II, 473.

<sup>83</sup> Charles Otis of Boston wrote to John Otis in 1823: “There is an old Black Woman by the name of Jenny that was born in your house & was one of my uncle Barney Little’s serventes she is now old & cannot get any work in this place & she wants to go into your family to live otherwise she must come to Scituate & the town to support her, she is anxious to know if you will take her in your family.” *Old Scituate*, 118.

<sup>84</sup> Greene, *NCNE*, 305.



place that looked like their old home. They were permitted to take up their old quarters and occupied them for many years.”<sup>85</sup> For example, Britton Whitting, “a black servant in the family” remained with the Collamores until his death in 1838 at age eighty-four; he was memorialized on the family’s imposing marble obelisk in the Assinippi cemetery.

However, another long-time servant, Hittie Little, former slave of Barnabas Little, died alone in the Charlestown Alms-House in 1803.<sup>86</sup> Many other newly freed slaves ended up among the paupers auctioned off to the lowest bidder by the Overseers of the Poor. For example, Lettice, after being given away in childhood and owned by several masters, married Prince Goodwin of Plymouth, then returned to her childhood home in Scituate seeking financial assistance after her husband’s death.<sup>87</sup> She and her child, like other former slaves who were unable to make the transition from bondage to independence, were auctioned off by the town, between 1790 and 1797.<sup>88</sup>

For Lettice Goodwin and Asher Freeman, freedom came too late. However, some slaves, like Prince and Abigail Freeman, were able to purchase land, eke out a living, marry and raise families--giving rise to that “posterity” which Deane had noted in 1831 was “more numerous in this Town, than in any other town of the ancient Colony.”<sup>89</sup> Today, however, there is barely a remnant left of the black community. Except for Cuffee’s Lane, there is little left to remind us of the hundreds of people who were born into, and died in slavery in Scituate.

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<sup>85</sup> Benjamin Hobart, *History of the Town of Abington* (Boston: T.H. Carter, 1866), 251-2.

<sup>86</sup> Letters of the Overseers of the Poor of the Town of Scituate, letter dated May 1803.

<sup>87</sup> Lettice married Prince Goodwin and settled in “Parting Ways” in Plymouth.

<sup>88</sup> Lists of the Putting out of the Poor of the Town of Scituate, 1790-1797. There were sixty-five blacks living with twenty-eight white families in Scituate. *1790 Census*, 180.

<sup>89</sup> According to the 1830 Federal Census there were forty-five “free colored persons” living in Scituate; a recount taken by the town found the actual number to be sixty.





## CONCLUSION

Evidence from the town of Scituate supports Greene's thesis that in New England, Negro slavery was an "admixture of slavery and bondage." In the 17th century, Negroes arrived as slaves, were purchased as slaves, but frequently had their terms of service reduced from "for life" to a term of years more in keeping with the Hebraic model of servitude used for white indentured servants. Scituate slaveowners, like the Pilgrims of Plymouth Colony and the Puritans of Massachusetts Bay Colony, treated their Negro slaves as they did their white indentured servants, not because they were unfamiliar with the concept of Negro slavery, but because they were uncomfortable with the reality of enslaving people for life. However, this flexible concept of servitude ended in the 18th century when the demand for laborers outgrew the supply of white indentured servants and the resistance to enslaving Negro men and women for life faded away with the passing of the first two generations of Puritans.

Even though slavery became institutionalized in New England in the 1700s, and the number of slaves grew, slaveowners could still afford to be lenient because Negro slaves never constituted more than 5 percent of the population, and therefore posed no threat to whites. Slave-owners still referred to their slaves as servants, and the Puritan ethos lived on in persons such as the Widow Mary Booth and the Rev. Samuel Eells. Slaves were still considered to be a part of the family unit; they lived in the family home, and were well clothed and well fed. The forces of "enculturation," the family, the workplace and the church, dominated their lives. One of the most important advantages which slaves in Massachusetts had was equal access to, and equal treatment under, the law. Slaves could



own property, serve as witnesses, even against whites, and they could sue for freedom. Whether New England slavery could be called “benign” remains a point of contention. Certainly, from the point of view of the conscientious slavemaster, his treatment of his slave must have seemed benign. But to the slave who was not free to determine the course his life would take, benign treatment would not have compensated for his lack of freedom. Even a flexible servitude is still servitude. Certainly some slaves were subjected to physical abuse, such as Capt. Little’s whippings, or Peppermint Otis’s leather restraint, as well as the emotional abuse of giving slave children away “like puppies.” But did slaves such as Cuffee and Flora Clapp, whose families remained intact and whose masters were kind, have a “benign” servitude? Only a slave can tell us that and one has.

Mumbet, a slave in western Massachusetts, successfully sued for her freedom in 1781. When asked her opinion of her own (arguably benign) servitude, she replied: “Anytime, anytime while I was a slave, if one minute’s freedom had been offered to me, and I had been told I must die at the end of that minute, I would have taken it--just to stand one minute on God’s earth a free woman--I would.”<sup>90</sup>

Massachusetts was the first colony to free its slaves. Spurred on by rising public sentiment against slavery in the pre-Revolutionary period, individual slaves succeeded in winning freedom suits based on the Rights of Man. Judge William Cushing’s decision in the Quock Walker case in 1783 signaled the end of slavery in Massachusetts. Although some former slaves were worse off economically as free people than they were as slaves, they were, at long last, free. And freedom, however imperfect, is freedom nonetheless.

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<sup>90</sup> Jon Swan, “The Slave Who Sued for Freedom,” *American Heritage Magazine*, 41, 2 (1990): 54.



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